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SPECIAL GAZETTE

PROCLAMATION

Water Services Act 2012 Commencement Proclamation 2013	5027
Water Services Legislation Amendment and Repeal Act 2012 Commencement Proclamation 2013.....	5028

SUBSIDIARY LEGISLATION

Building Services (Registration) Amendment Regulations (No. 2) 2013	5029
Construction Camp Amendment Regulations 2013.....	5031
Country Areas Water Supply Amendment By laws 2013.....	5033
Environmental Protection (Clearing of Native Vegetation) Amendment Regulations 2013.....	5037
Environmental Protection (Controlled Waste) Amendment Regulations (No. 2) 2013	5039
Health (Rottnest Island) Amendment By laws 2013	5041
Health Act (Laundries and Bathrooms) Amendment Regulations 2013.....	5043
Health (Temporary Sanitary Conveniences) Amendment Regulations 2013	5045
Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations 2013.....	5047
Land Information Authority Amendment Regulations 2013.....	5049
Magistrates Court (Civil Proceedings) Amendment Regulations 2013.....	5051
Metropolitan Water Supply, Sewerage and Drainage Amendment By laws 2013	5053
Planning and Development Amendment Regulations (No. 2) 2013	5059
Rates and Charges (Rebates and Deferrals) Amendment Regulations (No. 2) 2013.....	5061
Residential Parks (Long stay Tenants) Amendment Regulations 2013.....	5063
Sentencing Amendment Regulations (No. 2) 2013.....	5065
Settlement Agents Amendment Regulations (No. 2) 2013	5067
State Administrative Tribunal Amendment Regulations (No. 3) 2013.....	5069
State Enterprises (Commonwealth Tax Equivalents) (Application) Amendment Regulations 2013.....	5071
State Superannuation Amendment Regulations (No. 2) 2013.....	5073
State Supply Commission Amendment Regulations 2013.....	5075
Town Planning Amendment Regulations 2013.....	5077
Transfer of Land Amendment Regulations (No. 2) 2013	5079
Water Agencies (Charges) Amendment By laws (No. 2) 2013.....	5081
Water Agencies (Water Use) Amendment By laws 2013	5097
Water Corporations (Transitional Provisions) Regulations 2013.....	5101
Water Services Regulations 2013.....	5103
Water Services (Water Corporations Charges) Regulations 2013.....	5205
Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2013.....	5231

Water Services Act 2012

Water Services Act 2012 Commencement Proclamation 2013

Made under the *Water Services Act 2012* section 2(b) by the Governor in Executive Council.

1. Citation

This proclamation is the *Water Services Act 2012 Commencement Proclamation 2013*.

2. Commencement of Act

The *Water Services Act 2012* comes into operation as follows —

- (a) Act other than sections 1, 2 and 68 and Part 4 Division 4, on the first Monday after the day on which this proclamation is published in the *Government Gazette*;
- (b) section 68 and Part 4 Division 4, on 1 January 2014.

M. J. McCUSKER, Governor.

L.S.

D. T. REDMAN, Minister for Water.

Note: The provisions of the regulations and by-laws published in the *Gazette* in which this proclamation is published come into operation on the first Monday after the day on which this proclamation is published. The exceptions to this are:

- regulations 1 and 2 and by-laws 1 and 2 of all the regulations and by-laws other than the *Water Services Regulations 2013* and the *Water Services (Water Corporations Charges) Regulations 2013*;
- the *Water Services Regulations 2013* regulation 30.

Water Services Legislation Amendment and Repeal Act 2012

Water Services Legislation Amendment and Repeal Act 2012 Commencement Proclamation 2013

Made under the *Water Services Legislation Amendment and Repeal Act 2012* section 2(b) by the Governor in Executive Council.

1. Citation

This proclamation is the *Water Services Legislation Amendment and Repeal Act 2012 Commencement Proclamation 2013*.

2. Commencement of Act

The *Water Services Legislation Amendment and Repeal Act 2012* comes into operation as follows —

- (a) Act other than Part 1 and sections 34, 39(2), 77(1), 82(1), 83, 84, 85, 202(b), 213(4)(a), 226(3), 226(4), 227 and 230(3), on the first Monday after the day on which this proclamation is published in the *Government Gazette*;
- (b) sections 77(1), 82(1), 83, 84, 85, 202(b), 226(3) and 227, on 1 July 2014.

M. J. McCUSKER, Governor.

L.S.

D. T. REDMAN, Minister for Water.

Note: Under the *Water Services Regulations 2013* regulation 2(a), regulation 30 comes into operation on the day on which the *Water Services Legislation Amendment and Repeal Act 2012* section 84 comes into operation.

Under the *Water Corporations (Transitional Provisions) Regulations 2013* regulation 2(b), the provisions of those regulations, other than regulations 1 and 2, come into operation on the day on which the *Water Services Legislation Amendment and Repeal Act 2012* Part 7 comes into operation.

Building Services (Registration) Act 2011

Building Services (Registration) Amendment Regulations (No. 2) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Building Services (Registration) Amendment Regulations (No. 2) 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Building Services (Registration) Regulations 2011*.

4. Regulation 11 amended

Delete regulation 11(r) and insert:

- (r) *Plumbers Licensing Act 1995*.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Health Act 1911

Construction Camp Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Construction Camp Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Construction Camp Regulations*.

4. Regulation 25 amended

In regulation 25 delete “standards laid down in the by-laws made under the *Country Towns Sewerage Act 1948*.” and insert:

requirements and standards applicable under the *Water Services Act 2012* and the *Plumbers Licensing and Plumbing Standards Regulations 2000*.

Construction Camp Amendment Regulations 2013**r. 5**

5. Regulation 38 amended

In regulation 38(3) delete “standards laid down in the by-laws made under the *Country Towns Sewerage Act 1948*.” and insert:

requirements and standards applicable under the *Water Services Act 2012* and the *Plumbers Licensing and Plumbing Standards Regulations 2000*.

6. Regulation 44 amended

In regulation 44(h) delete “Metropolitan Water Board or *Country Water Supply (Sewerage) Regulations*.” and insert:

the requirements and standards applicable under the *Water Services Act 2012* and the *Plumbers Licensing and Plumbing Standards Regulations 2000*.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Country Areas Water Supply Act 1947

Country Areas Water Supply Amendment By-laws 2013

Made by the Minister under *Country Areas Water Supply Act 1947* section 105 and the *Water Agencies (Powers) Act 1984* section 34.

1. Citation

These by-laws are the *Country Areas Water Supply Amendment By-laws 2013*.

2. Commencement

These by-laws come into operation as follows —

- (a) by-laws 1 and 2 — on the day on which these by-laws are published in the *Gazette*;
- (b) the rest of the by-laws — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. By-laws amended

These by-laws amend the *Country Areas Water Supply By-laws 1957*.

4. By-law 1 amended

In by-law 1(1):

- (a) delete “country water area,”;
- (b) delete “sections 8 and 9” and insert:

section 9

Country Areas Water Supply Amendment By-laws 2013**bl. 5**

5. By-law 1A amended

- (1) In by-law 1A(1) delete the definitions of:

Australian Standard
commercial purposes
domestic purposes
licensed water supply plumber
plumbing standards
private service
water supply plumbing work
working day

- (2) In by-law 1A(1) insert in alphabetical order:

liquid waste means liquid wastes as defined in the
Health (Treatment of Sewage and Disposal of Effluent
and Liquid Waste) Regulations 1974 regulation 3;

- (3) In by-law 1A(1) in the definition of *principal Act* delete
“amended;” and insert:

amended.

- (4) In by-law 1A(3) delete “*owner, piggery* and *public house*” and
insert:

owner

Country Areas Water Supply Amendment By-laws 2013

bl. 6

- 6. By-laws 37 to 39 deleted**
Delete by-laws 37, 38 and 39.
- 7. By-laws 41 to 46 deleted**
Delete by-laws 41, 42, 43, 44, 45 and 46.
- 8. Divisions 4, 5 and 6 deleted**
Delete Divisions 4, 5 and 6.
- 9. By-laws 95 to 104C deleted**
Delete by-laws 95, 96, 97, 98, 99, 100, 101 and 104C.
- 10. Schedules 1, 2 and 3 deleted**
Delete Schedules 1, 2 and 3.

D. T. REDMAN, Minister for Water.

Environmental Protection Act 1986

Environmental Protection (Clearing of Native Vegetation) Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Environmental Protection (Clearing of Native Vegetation) Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Environmental Protection (Clearing of Native Vegetation) Regulations 2004*.

4. Schedule 1 amended

In Schedule 1 clause 1 in the definition of *water supply area*, delete paragraph (a).

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Environmental Protection Act 1986

Environmental Protection (Controlled Waste) Amendment Regulations (No. 2) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Environmental Protection (Controlled Waste) Amendment Regulations (No. 2) 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Environmental Protection (Controlled Waste) Regulations 2004*.

4. Regulation 2 amended

In regulation 2 in the definition of *disposal site*:

- (a) delete paragraph (e) and insert:
 - (e) a sewer of a licensee under the *Water Services Act 2012*; or

***Environmental Protection (Controlled Waste) Amendment Regulations
(No. 2) 2013***

r. 4

(b) after each of paragraphs (a), (c) and (d) insert:

or

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Rottnest Island Authority Act 1987

Health (Rottnest Island) Amendment By-laws 2013

Made by the Executive Director, Public Health under the *Rottnest Island Authority Act 1987* section 45 and the *Health Act 1911* section 342.

1. Citation

These by-laws are the *Health (Rottnest Island) Amendment By-laws 2013*.

2. Commencement

These by-laws come into operation as follows —

- (a) by-laws 1 and 2 — on the day on which these by-laws are published in the *Gazette*;
- (b) the rest of the by-laws — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. By-laws amended

These by-laws amend the *Health (Rottnest Island) By-laws 1989*.

4. By-law 6 amended

In by-law 6(2) delete “bench top, in accordance with by-law 18.17.3.2 of the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*.” and insert:

bench top and securely fixed in position.

Dr TARUN WEERAMANTHRI, Executive Director, Public Health.

Health Act 1911

Health Act (Laundries and Bathrooms) Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Health Act (Laundries and Bathrooms) Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Health Act (Laundries and Bathrooms) Regulations*.

4. Regulation 8 replaced

Delete regulation 8 and insert:

8. Wastewater from washing machines

Wastewater from any washing machine shall be discharged to a properly trapped drain inlet and disposed of in a manner permitted by the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Health Act 1911

Health (Temporary Sanitary Conveniences) Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Health (Temporary Sanitary Conveniences) Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Health (Temporary Sanitary Conveniences) Regulations 1997*.

4. Regulation 28 amended

Delete regulation 28(6)(a) and insert:

- (a) a water supply service (as defined in the *Water Services Act 2012* section 3(1)) provided under a licence under that Act; or

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Health Act 1911

Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974*.

4. Regulation 3 amended

In regulation 3 in the definitions of *certificate of compliance*, *drainage plumbing work* and *plumbing standards* delete “*Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000*,” and insert:

Plumbers Licensing and Plumbing Standards Regulations 2000;

***Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste)
Amendment Regulations 2013***

r. 5

5. Regulation 7 amended

(1) Delete regulation 7(1) and insert:

(1) All materials, fixtures and fittings to be used in the construction and installation of an apparatus must be —

(a) approved by the Executive Director, Public Health; or

(b) approved for the purposes of the *Water Services Act 2012* section 91.

(2) In regulation 7(2) delete “defects and the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*, and the *Country Towns Sewerage By-laws 1952* apply to them in addition to these regulations.” and insert:

defects.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Land Information Authority Act 2006

Land Information Authority Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Land Information Authority Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Land Information Authority Regulations 2007*.

4. Schedule 1 amended

In Schedule 1 item 2 delete “country water area,”.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Magistrates Court (Civil Proceedings) Act 2004

Magistrates Court (Civil Proceedings) Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Magistrates Court (Civil Proceedings) Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Magistrates Court (Civil Proceedings) Regulations 2011*.

4. Regulation 6 inserted

After regulation 5 insert:

6. Jurisdiction conferred by *Water Services Act 2012*

- (1) For the purposes of section 44(2)(c), the jurisdiction of the Court referred to in section 8, to the extent to which it is conferred by the *Water Services Act 2012*, is prescribed.
- (2) For the purposes of section 44(2)(c) and a case in which a water corporation (as defined in the *Water*

Magistrates Court (Civil Proceedings) Amendment Regulations 2013**r. 4**

Corporations Act 1995) is a party, a member of staff of the corporation authorised to do so may perform the corporation's entitlement under section 44(1) in those proceedings.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Metropolitan Water Supply, Sewerage, and Drainage Act 1909

Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws 2013

Made by the Minister under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* section 146 and the *Water Agencies (Powers) Act 1984* section 34(1).

1. Citation

These by-laws are the *Metropolitan Water Supply, Sewerage and Drainage Amendment By-laws 2013*.

2. Commencement

These by-laws come into operation as follows —

- (a) by-laws 1 and 2 — on the day on which these by-laws are published in the *Gazette*;
- (b) the rest of the by-laws — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. By-laws amended

These by-laws amend the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*.

4. By-law 1.1 amended

- (1) In by-law 1.1 delete the definitions of:

approved

AS/NZS

Australian Standard

backflow

branch property sewer

commercial type

**Metropolitan Water Supply, Sewerage and Drainage Amendment
By-laws 2013**

bl. 4

container
cross connection
discharge pipe
disconnecter trap
domestic purposes
domestic type
educt vent
flat
garden purposes
indirectly connected
induct vent
inspector
licensed plumber
pipework
plumbing standards
private service
residential building
sanitary plumbing
spill level
trade waste
vent pipe
vent stack
vented
waste pipe
water heater
water seal or trap seal

**Metropolitan Water Supply, Sewerage and Drainage Amendment
By-laws 2013**

bl. 5

water service

yard gully

- (2) In by-law 1.1 insert in alphabetical order:

Corporation means the Water Corporation established by the *Water Corporations Act 1995* section 4(1);

liquid waste means liquid wastes as defined in the *Health (Treatment of Sewage and Disposal of Effluent and Liquid Waste) Regulations 1974* regulation 3;

underground water means all water that is below the surface of the ground, whether or not flowing or in defined channels;

- (3) In by-law 1.1 in the definition of *works* delete “section 3(1);” and insert:

section 3(1).

5. Parts 2.0 and 3.0 deleted

Delete Parts 2.0 and 3.0.

6. By-law 5.1 amended

- (1) Delete by-law 5.1.1(a).
(2) In by-law 5.1.3 delete “or Public Water Supply Area”.

7. By-law 5.2 deleted

Delete by-law 5.2.

**Metropolitan Water Supply, Sewerage and Drainage Amendment
By-laws 2013**

bl. 8

8. By-law 5.3 amended

In by-law 5.3.1 delete “works” and insert:

assets

9. By-law 5.4 amended

(1) In by-law 5.4.5 delete “domestic waste waters” and insert:

liquid waste

(2) After by-law 5.4.7 insert:

5.4.8A A person shall not place any chemical or other substance that is capable of polluting underground water, down a well during the course of its construction, redevelopment, maintenance or operation without prior approval of the CEO.

10. Parts 6.0, 11.0, 12.0, 13.0, 15.0, 18.0, 27.0, 28.0 and 30.0 deleted

Delete Parts 6.0, 11.0, 12.0, 13.0, 15.0, 18.0, 27.0, 28.0 and 30.0.

11. By-laws 31.1, 31.2 and 31.3 deleted

Delete by-laws 31.1, 31.2 and 31.3.

***Metropolitan Water Supply, Sewerage and Drainage Amendment
By-laws 2013***

bl. 12

12. By-law 31.4 amended

- (1) In by-law 31.4.1 delete “the Corporation or”.
- (2) In by-law 31.4.2 delete “the Corporation,”.

13. By-laws 31.5 and 31.6 deleted

Delete by-laws 31.5 and 31.6.

14. Part 32.0 deleted

Delete Part 32.0.

15. Schedules B, C and D deleted

Delete Schedules B, C and D.

D. T. REDMAN, Minister for Water.

Planning and Development Act 2005

Planning and Development Amendment Regulations (No. 2) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Planning and Development Amendment Regulations (No. 2) 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Planning and Development Regulations 2009*.

4. Regulation 33 amended

In regulation 33 in the definition of *easement holder* in paragraph (b) delete “*Water Services Licensing Act 1995*” and insert:

Water Services Act 2012

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Rates and Charges (Rebates and Deferments) Act 1992

Rates and Charges (Rebates and Deferments) Amendment Regulations (No. 2) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Rates and Charges (Rebates and Deferments) Amendment Regulations (No. 2) 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Rates and Charges (Rebates and Deferments) Regulations 1992*.

4. Regulation 2 replaced

Delete regulation 2 and insert:

2. Annual water supply charges of the Bunbury and Busselton Water Corporations

A charge under the *Water Services (Water Corporations Charges) Regulations 2013* Part 3 or 4 for the provision of a water supply service, other than a

Residential Parks (Long-stay Tenants) Act 2006

Residential Parks (Long-stay Tenants) Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Residential Parks (Long-stay Tenants) Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Residential Parks (Long-stay Tenants) Regulations 2007*.

4. Schedule 1 amended

In Schedule 1 clause 16(c) delete “*Water Agencies (Powers) Act 1984*,” and insert:

Water Services Act 2012,

Residential Parks (Long-stay Tenants) Amendment Regulations 2013**r. 5**

5. Schedule 2 amended

In Schedule 2 clause 16(c) delete “*Water Agencies (Powers) Act 1984*,” and insert:

Water Services Act 2012,

6. Schedule 3 amended

In Schedule 3 clause 16(c) delete “*Water Agencies (Powers) Act 1984*,” and insert:

Water Services Act 2012,

7. Schedule 4 amended

In Schedule 4 clause 16(c) delete “*Water Agencies (Powers) Act 1984*,” and insert:

Water Services Act 2012,

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Sentencing Act 1995

Sentencing Amendment Regulations (No. 2) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Sentencing Amendment Regulations (No. 2) 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Sentencing Regulations 1996*.

4. Schedule 2 amended

In Schedule 2 delete the items for:

Land Drainage Act 1925

Water and Rivers Commission Act 1995

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Settlement Agents Act 1981

Settlement Agents Amendment Regulations (No. 2) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Settlement Agents Amendment Regulations (No. 2) 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Settlement Agents Regulations 1982*.

4. Schedule 3 Part B amended

Delete Schedule 3 Part B clause 5(g) and insert:

- (g) *Water Services Act 2012*;

5. Schedule 3 Part C amended

Delete Schedule 3 Part C clause 2(d) and (e) and insert:

- (d) a withdrawal of memorial under the *Water Services Act 2012* section 128 for a memorial lodged by a water corporation (as

State Administrative Tribunal Act 2004

State Administrative Tribunal Amendment Regulations (No. 3) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *State Administrative Tribunal Amendment Regulations (No. 3) 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *State Administrative Tribunal Regulations 2004*.

4. Schedule 7 amended

In Schedule 7 delete the items for:

Country Towns Sewerage Act 1948
Rights in Water and Irrigation Act 1914
Water Boards Act 1904

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

State Enterprises (Commonwealth Tax Equivalents) Act 1996

State Enterprises (Commonwealth Tax Equivalents) (Application) Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *State Enterprises (Commonwealth Tax Equivalents) (Application) Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *State Enterprises (Commonwealth Tax Equivalents) (Application) Regulations 1997*.

***State Enterprises (Commonwealth Tax Equivalents) (Application)
Amendment Regulations 2013***

r. 4

4. Regulation 3 amended

In regulation 3 in the Table delete the items relating to the Bunbury Water Board and the Busselton Water Board and insert:

Bunbury Water Corporation constituted under the *Water Corporations Act 1995*, s. 4(2)

The day on which the *Water Services Legislation Amendment and Repeal Act 2012* section 114 comes into operation

Busselton Water Corporation constituted under the *Water Corporations Act 1995*, s. 4(3)

The day on which the *Water Services Legislation Amendment and Repeal Act 2012* section 114 comes into operation

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

State Superannuation Act 2000

State Superannuation Amendment Regulations (No. 2) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *State Superannuation Amendment Regulations (No. 2) 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *State Superannuation Regulations 2001*.

4. Schedule 1 amended

Delete Schedule 1 Division 1 item 13.

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

State Supply Commission Act 1991

State Supply Commission Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *State Supply Commission Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *State Supply Commission Regulations 1991*.

4. Schedule 1 amended

In Schedule 1 delete the item relating to the Water Authority and insert:

The Water Corporation established by the *Water Corporation Act 1995* section 4(1).

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Planning and Development Act 2005

Town Planning Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Town Planning Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Town Planning Regulations 1967*.

4. Regulation 5 amended

In regulation 5(2) delete “the Water Authority of Western Australia,” and insert:

a licensee under the *Water Services Act 2012* likely to be affected by the scheme,

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Transfer of Land Act 1893

Transfer of Land Amendment Regulations (No. 2) 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Transfer of Land Amendment Regulations (No. 2) 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Transfer of Land Regulations 2004*.

4. Schedule 1 amended

In Schedule 1 Division 3 after clause 1 insert:

- 2A. Of a memorial or notification under the *Water Services Act 2012* \$160.00

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.

Water Agencies (Powers) Act 1984

Water Agencies (Charges) Amendment By-laws (No. 2) 2013

Made by the Minister under section 34 of the Act.

1. Citation

These by-laws are the *Water Agencies (Charges) Amendment By-laws (No. 2) 2013*.

2. Commencement

These by-laws come into operation as follows —

- (a) by-laws 1 and 2 — on the day on which these by-laws are published in the *Gazette*;
- (b) the rest of the by-laws — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. By-laws amended

These by-laws amend the *Water Agencies (Charges) By-laws 1987*.

4. By-law 2 amended

- (1) In by-law 2(1) delete the definitions of:

country sewerage area

metropolitan area

quantity charge

UV

water supply

Water Agencies (Charges) Amendment By-laws (No. 2) 2013**bl. 4**

- (2) In by-law 2(1) insert in alphabetical order:

approval of the Corporation, in relation to the discharge of trade waste, means an approval of the Corporation described in the *Water Services Act 2012* section 102;

Corporation means the Water Corporation established by the *Water Corporations Act 1995* section 4(1);

country sewerage area means a sewerage area under the *Country Towns Sewerage Act 1948* section 4 as in force immediately before the day on which the *Water Services Legislation Amendment and Repeal Act 2012* section 200(a) came into operation;

drainage area means a drainage area under by-law 30;

irrigation works, of a person, include a dam, reservoir or other non-reticulated works of the person used in the provision of an irrigation service;

metropolitan area has the meaning given in the *Water Services Regulations 2013* regulation 3(1);

quantity charge means quality/quantity charge as defined in the *Water Services Act 2012* section 71(1);

trade waste has the meaning given in the *Water Services Act 2012* section 3(1);

wastewater has the meaning given in the *Water Services Act 2012* section 3(1);

water supply does not include the supply of water from irrigation works of a licensee for the purpose of irrigation;

Water Agencies (Charges) Amendment By-laws (No. 2) 2013

bl. 4

- (3) In by-law 2(1) in the definition of *year*:
- (a) in paragraph (b)(i) delete “under the *Country Areas Water Supply Act 1947*,” and insert:

in a non-metropolitan area,
 - (b) in paragraph (b)(ii) delete “under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* or the *Metropolitan Water Authority Act 1982*,” and insert:

in the metropolitan area,
 - (c) in paragraph (b)(iii) delete “industrial waste discharged under the *Metropolitan Water Supply, Sewerage, and Drainage Act 1909* or the *Country Towns Sewerage Act 1948*,” and insert:

the discharge of trade waste,
 - (d) in paragraph (b)(iv) delete “water” and insert:

wastewater (other than trade waste)
- (4) Delete by-law 2(2).

Water Agencies (Charges) Amendment By-laws (No. 2) 2013

bl. 5

5. By-law 7A inserted

After by-law 6 insert:

7A. Determination of quality and quantity of trade waste discharged

- (1) In this by-law —
approved meter means a meter approved of by the Corporation.
- (2) Sub-by-law (3) applies to the extent to which the volume of the trade waste discharged is not accurately measured by an approved meter.
- (3) For the purposes of assessing a charge for the discharge of trade waste from land into a sewer of the Corporation, the Corporation may determine the quality and volume of trade waste discharged in accordance with one or more of the following paragraphs —
 - (a) if the volume of wastewater discharged from the land into the sewer is accurately measured by an approved meter — by deducting from the volume an allowance for wastewater discharged that was not trade waste;
 - (b) by deducting from the volume of water supplied to the land, or a particular part of the land, an allowance for the volume of water supplied that was not discharged to the sewer and an allowance for wastewater discharged that was not trade waste;
 - (c) by reference to a waste discharge profile determined by the Corporation to be applicable

Water Agencies (Charges) Amendment By-laws (No. 2) 2013**bl. 6**

to the type of trade, industry, business or calling from which the trade waste is discharged;

- (d) by reference to historical data relating to the discharge of wastewater or trade waste from the land;
- (e) by reference to information given to the Corporation in relation to the discharge of industrial waste under a permit under the *Country Towns Sewerage By-laws 1952* or the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981* or the discharge of trade waste under an approval of the Corporation (under the *Water Services Act 2012*).

6. By-law 7 amended

- (1) In by-law 7(1):
 - (a) delete the definition of *industrial waste charge*;
 - (b) insert in alphabetical order:

trade waste charge means a charge under Schedule 3 Division 1 items 6 or 7 or Division 3 or 6.

- (c) in the definition of *annual charge* delete “industrial” and insert:

trade

Water Agencies (Charges) Amendment By-laws (No. 2) 2013**bl. 7**

- (2) In by-law 7(3)(a) delete “industrial” and insert:

trade

7. Part 2 Division 1 heading replaced

Delete the heading to Part 2 Division 1 and insert:

**Division 1 — Water supplied other than from
irrigation works**

8. By-law 10 replaced

Delete by-law 10 and insert:

10. Application of Division

This Division does not apply to, or in relation to, the supply or possible supply of water in the circumstances described in by-law 20 or 31, or any other thing done or provided in relation to that supply.

9. By-law 11 amended

In by-law 11 delete “taken, in accordance with section 41(1)(b) of the *Water Agencies (Powers) Act 1984*, to be” and insert:

taken to be

Water Agencies (Charges) Amendment By-laws (No. 2) 2013

bl. 10**10. By-law 13 amended**

In by-law 13(1)(f) delete “*farm land* in the *Country Areas Water Supply Act 1947* section 5(1)” and insert:

farmland in the *Water Services Regulations 2013*
regulation 3(1)

11. Part 2 Division 2 replaced

Delete Part 2 Division 2 and insert:

Division 2 — Water supplied from certain irrigation works, other than for irrigation**20. Land subject to water supply charges under this Division**

- (1) The charges set out in Schedule 2 apply in respect of land that is supplied with water, for purposes other than irrigation, from irrigation works of the Corporation in the Ord Irrigation District.
- (2) For the purposes of this by-law —
 - (a) the Ord River is to be taken to be irrigation works of the Corporation to the extent to which the river is used by the Corporation to, in effect, deliver water to persons who are to be supplied with water by the Corporation; and
 - (b) the supply of water from irrigation works includes authorising a person to take water from the works.

Water Agencies (Charges) Amendment By-laws (No. 2) 2013**bl. 12**

12. By-law 21 amended

In by-law 21 delete “taken, in accordance with section 41(1)(b) of the *Water Agencies (Powers) Act 1984*, to be” and insert:

taken to be

13. By-law 27 amended

In by-law 27 delete “within the meaning of the *Metropolitan Water Authority Act 1982* shall be taken, in accordance with section 41(1)(b) of the *Water Agencies (Powers) Act 1984*, to be” and insert:

shall be taken to be

14. By-law 30 inserted

At the end of Part 4 insert:

30. Declaration of drainage areas and transitional provision

- (1) The Minister may, by instrument published in the *Gazette*, declare an area to be a drainage area if satisfied that the area benefits or will benefit from, or contributes or will contribute to, the need for the drainage provided or to be provided by a drainage asset of the Corporation.
- (2) The Minister may, by instrument published in the *Gazette*, revoke the declaration of an area as a drainage area if satisfied that the area no longer benefits from or

Water Agencies (Charges) Amendment By-laws (No. 2) 2013**bl. 14**

contributes to the need for the drainage provided by a drainage asset of the Corporation.

- (3) A declaration under sub-by-law (1) may create a new drainage area or extend an existing drainage area, and a revocation under sub-by-law (2) may revoke the whole of or just a part of an existing drainage area.
- (4) Before the Minister can declare an area to be a drainage area, the Minister must —
 - (a) give 2 months' notice of the proposed declaration; and
 - (b) take into account any objections made under sub-by-law (6).
- (5) Notice of a proposal to declare an area to be a drainage area must —
 - (a) be published in the *Gazette* and on the Department's website (as defined in the *Water Services Regulations 2013* regulation 3(1)); and
 - (b) include —
 - (i) the date on or after which the Minister proposes to make the declaration; and
 - (ii) a description of the area sufficient to identify its location; and
 - (iii) details of the plan on which the proposed drainage area is set out and how the plan can be inspected.
- (6) A person with a material interest in a proposal to declare an area to be a drainage area may object to the proposal in writing to the Minister within one month after the day on which notice of the proposal is published in the *Gazette*.

Water Agencies (Charges) Amendment By-laws (No. 2) 2013**bl. 15**

- (7) A drainage area under the *Metropolitan Water Authority Act 1982* section 104 as in effect immediately before the day on which the *Water Services Legislation Amendment and Repeal Act 2012* section 20 comes into operation becomes, on that day, a drainage area under this by-law, and may be amended or revoked under this by-law accordingly.

15. By-law 31 replaced

Delete by-law 31 and insert:

31. Land subject to irrigation charges

- (1) Subject to by-law 32, the charges set out in Schedule 5 apply in respect of land that is supplied with water for the purpose of irrigation from irrigation works of the Corporation in the Ord Irrigation District.
- (2) For the purposes of this by-law —
- (a) the Ord River is to be taken to be irrigation works of the Corporation to the extent to which the river is used by the Corporation to, in effect, deliver water to persons who are to be supplied with water by the Corporation; and
 - (b) the supply of water from irrigation works includes authorising a person to take water from the works.

Water Agencies (Charges) Amendment By-laws (No. 2) 2013

bl. 16

16. Schedule 1 amended

- (1) In the heading to Schedule 1 delete “**supply other than under the *Rights in Water and Irrigation Act 1914***” and insert:

supply, other than from certain irrigation works,

- (2) In Schedule 1:

- (a) in item 28 delete “the Coral Bay Water Area” and insert:

Coral Bay

- (b) in item 29 delete “the Denham Country Water Area,” and insert:

Denham,

17. Schedule 2 replaced

Delete Schedule 2 and insert:

Schedule 2 — Charges for water supply from certain irrigation works, other than for irrigation, for 2013/2014

[bl. 20]

1. Supply other than for stock-water or dust prevention

In respect of land to which water is supplied from irrigation works of the Corporation in the Ord Irrigation District, for purposes other than those mentioned in item 2, an amount per supply point of —

- (a) if the supply is assured \$247.50

Water Agencies (Charges) Amendment By-laws (No. 2) 2013**bl. 18**

(b) if the supply is not assured \$181.00

2. Supply for stock-water or dust prevention

In respect of land to which water is supplied from irrigation works of the Corporation in the Ord Irrigation District for the purposes of stock-water or dust prevention in feed lots —

(a) if the maximum area used as a feed lot during the year is not more than 4 hectares, an amount of \$664.00

(b) if the maximum area used as a feed lot during the year is more than 4 hectares, the amount specified in paragraph (a) and, for each hectare (or part thereof) in excess of 4 hectares that is so used, a further amount of \$131.50

18. Schedule 3 amended

(1) In Schedule 3 delete items 6 and 7 and insert:

6. Land from which trade waste is discharged into a sewer of the Corporation

In respect of the discharge of trade waste under an approval of the Corporation, for the period for which the approval has effect (which cannot be of less than 12 months), an amount of \$217.35

Water Agencies (Charges) Amendment By-laws (No. 2) 2013**bl. 18****7. Land from which trade waste is discharged into a sewer of the Corporation through grease arrestor**

In respect of the discharge of trade waste through one or more grease arrestors under an approval of the Corporation, for the period for which the approval has effect (which cannot be of less than 12 months), in addition to any other charge applicable to the land under this Schedule —

- (a) in respect of each grease arrestor, not being a grease arrestor that is shared with other land the subject of an approval of the Corporation, an amount of \$95.50
- (b) in respect of each grease arrestor that is shared with other land the subject of an approval of the Corporation, an amount of \$52.15

- (2) In Schedule 3 item 11 delete “industrial waste discharged into a sewer of the Corporation pursuant to a permit —” and insert:

trade waste discharged into a sewer of the Corporation under an approval of the Corporation —

- (3) In Schedule 3 delete item 13A and insert:

13A. Trade waste discharged from open area

In respect of the discharge of trade waste from an open area under an approval of the Corporation, for the period for which the approval has effect (which cannot be of less than 12 months), in addition to any other charge applicable to the land under this Schedule, an amount per m² of open area \$1.45`

Water Agencies (Charges) Amendment By-laws (No. 2) 2013**bl. 19**

- (4) In the heading to Schedule 3 Division 6 delete “**industrial**” and insert:

trade

- (5) In Schedule 3 item 29 delete “industrial waste by a person who does not hold an industrial waste permit” and insert:

trade waste

Notes:

1. The heading to amended Schedule 3 item 11 is to read:

Trade waste discharged into a sewer of the Corporation under an approval

2. The heading to amended Schedule 3 item 29 is to read:

One-off discharge of trade waste

19. Schedule 5 amended

Delete Schedule 5 item 1 and insert:

1. Ord Irrigation District

In respect of land to which water is supplied in the circumstances described in by-law 31, an amount per hectare of land irrigated of —

- (a) where the supply is assured \$142.00
(b) where the supply is not assured \$107.00

Water Agencies (Charges) Amendment By-laws (No. 2) 2013**bl. 20****20. Various references to “country sewerage area” amended**

In the provisions listed in the Table:

- (a) delete “country sewerage area” and insert:

non-metropolitan area

- (b) delete “country sewerage area” and insert:

non-metropolitan area

Table

bl. 23(1)	Sch. 3 it. 2
Sch. 3 it. 31	Sch. 3 it. 32
Sch. 3 it. 33	Sch. 3 it. 34

D. T. REDMAN, Minister for Water.

Water Agencies (Powers) Act 1984

Water Agencies (Water Use) Amendment By-laws 2013

Made by the Minister for Water under the *Water Agencies (Powers) Act 1984* section 34.

1. Citation

These by-laws are the *Water Agencies (Water Use) Amendment By-laws 2013*.

2. Commencement

These by-laws come into operation as follows —

- (a) by-laws 1 and 2 — on the day on which these by-laws are published in the *Gazette*;
- (b) the rest of the by-laws — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. By-laws amended

These by-laws amend the *Water Agencies (Water Use) By-laws 2010*.

4. By-law 3 amended

- (1) In by-law 3 delete the definitions of:

scheme water supplier
water

- (2) In by-law 3 insert in alphabetical order:

scheme water supplier means a water corporation established by or under the *Water Corporations Act 1995* section 4;

Water Agencies (Water Use) Amendment By-laws 2013

bl. 5

5. Part 2 Division 1A inserted

At the beginning of Part 2 insert:

Division 1A — General

4A. Term used: water

In this Part —

water means domestic bore water.

6. By-law 4 amended

(1) Delete by-law 4(1).

(2) In by-law 4(2) delete “approval,” and insert:

approval of the CEO,

7. By-law 5 amended

Delete by-law 5(1).

8. By-law 6 amended

Delete by-law 6(1).

9. By-law 7 amended

Delete by-law 7(1).

10. By-law 8 amended

Delete by-law 8(1).

11. By-laws 9, 10AA and 10A deleted

Delete by-laws 9, 10AA and 10A.

Water Agencies (Water Use) Amendment By-laws 2013

bl. 12**12. By-law 12 amended**

In by-law 12(2) delete “either scheme water or”.

13. By-law 18 amended

(1) In by-law 18 delete the definitions of:

consumption year

non-residential lot

(2) In by-law 18 insert in alphabetical order:

consumption year, in relation to land, means —

- (a) the period determined, by the scheme water supplier, for the purposes of calculating the quality/quantity charge for the supply of water to the land by the scheme water supplier; or
- (b) if no period is determined in relation to the land — a financial year;

non-residential lot means a lot other than —

- (a) a lot depicted on a strata plan, unless it is a lot in a survey-strata scheme; or
- (b) a lot that has on it a building that is used, or suitable to be used, for residential purposes;

14. Schedule 4 deleted

Delete Schedule 4.

D. T. REDMAN, Minister for Water.

Water Corporation Act 1995

Water Corporations (Transitional Provisions) Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Water Corporations (Transitional Provisions) Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Legislation Amendment and Repeal Act 2012 Part 7* comes into operation.

3. Accountability and financial provisions

- (1) For the purposes of Schedule 5 clause 14 of the Act, 1 July 2014 is prescribed.
- (2) For the purposes of Schedule 5 clauses 15, 16 and 18(1) and (2) of the Act, the financial year commencing on 1 July 2014 is prescribed.

N. HAGLEY, Clerk of the Executive Council.

Western Australia

Water Services Regulations 2013

Contents

Part 1 — Preliminary

1. Citation
2. Commencement
3. Terms used
4. Notes and examples

Part 2 — Licensing of water service providers

5. Activities that are or are not water services
6. Exemptions: notice of decision
7. Asset management systems reports and operational audits
8. Codes of practice: consultation
9. Codes of practice and code of conduct: publication and notification
10. Notice of decision concerning licence
11. Public availability of licences, maps and plans

Part 3 — Water Services Ombudsman Scheme

12. Terms used
13. Scheme to have a governing body
14. Additional jurisdiction of ombudsman
15. Functions of ombudsman
16. Powers of ombudsman
17. Reasons for decisions
18. Review of schemes
19. Revocation of a scheme's approval

Water Services Regulations 2013**Contents**

Part 4 — Water services**Division 1 — Preliminary**

20. Application of Part to certain licensees

Division 2 — Meters

21. Licensee may determine size of meter
22. Housings for meters
23. Installation of certain meters
24. Access to meters
25. Damage to or malfunctioning of meters
26. Testing water meters

**Division 3 — Development and building control,
and infrastructure contributions**

27. Terms used
28. Notification of building work: excluded land
29. Subdivision: deferring infrastructure contributions
30. Subdivision: concession on water service charges

**Division 4 — Protection of water service works
and water quality****Subdivision 1 — Preliminary**

31. Terms used
32. Lawful authority
33. Land not open to the public
34. Signs and other barriers: presumption

Subdivision 2 — Protection of water service works

35. Controlling entry to land
36. Parking vehicles etc.
37. Crossing over conduits of a licensee
38. Boating on Lakes Kununurra and Argyle

Subdivision 3 — Protection of water quality

39. Contamination of water supply
40. Camping and lighting fires
41. Littering and refuse
42. Backflow prevention devices: installation
43. Backflow prevention devices: testing and
maintenance

Water Services Regulations 2013

Contents

44. No connection of pumps to water supply without approval
Subdivision 4 — Obstructions and activities over or in vicinity of water service works
45. Application of Subdivision
46. Prescribed proximity to water service works generally: s. 90(1)
47. Prescribed proximity to prescribed water service works: s. 90(2)
Subdivision 5 — Approval and prohibition of fittings, fixtures, pipes, materials and methods
48. Subdivision applies to all licensees
49. Approval and prohibition of fittings, fixtures, pipes, materials and methods
Subdivision 6 — Licensed plumbers
50. Subdivision applies to all licensees
51. Licensed plumbers
Division 5 — Fire hydrants
52. Taking water from fire hydrants
Division 6 — Sewerage services
- Subdivision 1 — Diagrams of drainage plumbing**
53. Diagrams of drainage plumbing
Subdivision 2 — Discharge of trade waste
54. Meaning of trade waste
55. Application of s. 102: approval required to discharge trade waste
Division 7 — Water supply or irrigation services in the Ord Irrigation District
56. Terms used
57. Water supply or irrigation services in the Ord Irrigation District
58. Removing means of supply
Division 8 — Works in roads
59. Division applies to all licensees
60. Altering position of service infrastructure in roads

Water Services Regulations 2013**Contents**

- 61. Levels and widths of roads: works by licensees
- 62. Altering levels and widths of roads
- 63. Roads broken up to be reinstated
- Division 9 — Water service charges:
information and records, objections and
review**
- 64. Provision of information about owner or occupier
of land, or agent
- 65. Records
- 66. Valuation and rating records of local governments
- 67. Records to be basis for water service charges
- 68. Objections to entries in records
- 69. SAT review of licensee's decision on objection
- 70. SAT review of licensee's decision not to extend
time for objection or review
- 71. SAT may consider additional matters
- 72. Objections to or reviews of land valuations to be
under *Valuation of Land Act 1978*
- 73. Objection not to affect liability to pay charges
- 74. Amending records after objection or review
- 75. Certain information to be available to tenants and
others
- Part 5 — Water use restrictions**
- 76. Terms used
- 77. Use of scheme water restricted
- 78. Stages of restrictions applicable to Areas
- 79. Exceptions
- 80. Minister may impose further restrictions
- Part 6 — Miscellaneous provisions**
- 81. Form and manner of applications
- 82. Interest accruing on unpaid amounts
- 83. Recovery of costs in relation to lodging memorials
under s. 128
- 84. Fees
- 85. Compliance notices

Water Services Regulations 2013

Contents

- 86. Infringement notices
- 87. Giving notices or demands to unknown owner or occupier of land
- 88. Form of warrants to enter
- 89. Repeals

Part 7 — Transitional provisions**Division 1 — Provisions for the *Water Services Act 2012***

- 90. Term used: commencement day
- 91. Permits to discharge industrial waste
- 92. Memorials, subdivisional plans and diagrams under *Water Agencies (Powers) Act 1984*, *Water Boards Act 1904* and *Water Services Licensing Act 1995*
- 93. Entitlement to supply of or to take water under irrigation by-laws
- 94. Agreements under old provisions
- 95. Objections and reviews under Part 4 Division 8
- 96. Plans for drainage works of the Water Corporation

**Schedule 1 — Water use restrictions:
maps showing Areas 1, 2, 3 and 4****Schedule 2 — Water use restrictions:
stages of restrictions**

- 1. Stage 1
- 2. Stage 2
- 3. Stage 3
- 4. Stage 4
- 5. Stage 5
- 6. Stage 6
- 7. Stage 7

Water Services Regulations 2013**Contents**

**Schedule 3 — Water use restrictions:
specified days for watering by
reticulation**

1. Specified days for Schedule 2: 3 watering days per week
2. Specified days for Schedule 2: 2 watering days per week
3. Specified days for Schedule 2: 1 watering day per week

Schedule 4 — Fees

1. General fees applicable in relation to all licensees
2. Fees applicable in relation to the water corporations: s. 95

**Schedule 5 — Prescribed offences
and modified penalties****Division 1 — Prescribed offences and modified
penalties****Division 2 — Prescribed offences and modified
penalties: forms****Schedule 6 — Form of warrant to
enter**

Water Services Act 2012

Water Services Regulations 2013

Made by the Governor in Executive Council.

Part 1 — Preliminary**1. Citation**

These regulations are the *Water Services Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulation 30 — on the day on which the *Water Services Legislation Amendment and Repeal Act 2012* section 84 comes into operation;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* section 222 comes into operation.

3. Terms used

- (1) In these regulations, unless the contrary intention appears —
AS, followed by a designation consisting of a number and a reference to a year, refers to the text of the document so designated, published by Standards Australia;

Authority's website means the website maintained by the Authority for the purposes of the Act (whether or not exclusively for those purposes);

Department's website means the website maintained by the Department;

dewatering means the active removal of ground water from the soil for the purpose of preventing or reducing the amount of

Water Services Regulations 2013**Part 1** Preliminary**r. 3**

ground water entering a construction site, mine, building or similar thing;

farmland means land, other than land within the metropolitan area, that is used, or primarily used, for agricultural, pastoral, grazing or dairying purposes or any combination of them, other than land that —

- (a) is used or primarily used for the purposes of a market garden, orchard, piggery, poultry farm, or horse stud, or for the purposes of the agistment or grazing of horses, or for any combination of those purposes; or
- (b) is comprised in a holding that is wholly within the boundaries of a townsite; or
- (c) is comprised in a holding the area of which is less than 4 hectares;

holding, of land, means any piece or parcel of land which is held —

- (a) in fee simple; or
- (b) on conditional purchase lease, pastoral lease, or otherwise under the *Land Administration Act 1997*, or any prior Act repealed by that Act or under any regulation made under, or repealed by, any prior Act, or by the *Land Administration Act 1997*; or
- (c) on a perpetual lease granted under the *War Service Land Settlement Scheme Act 1954* or for such other estate or interest as is granted under that Act,

and which is constituted, owned or occupied as one property;

licensed plumbing contractor has the meaning given in the *Plumbers Licensing and Plumbing Standards Regulations 2000* regulation 3(1);

metropolitan area means the area constituted by the local government districts of Armadale, Bassendean, Bayswater,

Water Services Regulations 2013

Preliminary

Part 1**r. 4**

Belmont, Cambridge, Canning, Claremont, Cockburn, Cottesloe, East Fremantle, Fremantle, Gosnells, Joondalup, Kalamunda, Kwinana, Melville, Mosman Park, Mundaring, Nedlands, Peppermint Grove, Perth, Rockingham, Serpentine-Jarrahdale, South Perth, Stirling, Subiaco, Swan, Victoria Park, Vincent and Wanneroo;

multi-unit development means a development on land consisting of 2 or more units for residential or non-residential use;

plumbing work has the meaning given in the *Plumbers Licensing Act 1995* section 59I;

sewer junction, in relation to land, means that part of a sewer between a sewer main and a property connection point for the land;

unit includes a lot as defined in the *Strata Titles Act 1985* section 3(1);

water supply connection, in relation to land, means that part of a conduit between a water supply main and the property connection point for the land.

- (2) If land was, immediately before 4 December 1981, rated under the *Country Areas Water Supply Act 1947* as farm land and the purposes for which the land is used or primarily used are the same as when it was so rated, it is farmland for the purposes of the definition of **farmland**, unless it is within the metropolitan area.

Note: The *Country Areas Water Supply Amendment Act 1981* came into operation on 4 December 1981.

4. Notes and examples

A note or example in these regulations is explanatory and is not part of these regulations.

Water Services Regulations 2013**Part 2** Licensing of water service providers**r. 5**

Part 2 — Licensing of water service providers**5. Activities that are or are not water services**

- (1) This regulation has effect for the purposes of section 3(2) of the Act.
- (2) The supply of water by means other than reticulated conduits (for example, by carting water) by a licensee in substitution for the supply of water under a licence by means of reticulated conduits and other appropriate works, is a water supply service or an irrigation service, according to the purpose for which the water is supplied.
- (3) The removal of wastewater by means other than reticulated conduits (for example, by carting sewage) by a licensee in substitution for the collection of wastewater under a licence by means of reticulated conduits and other appropriate works, is a sewerage service.
- (4) Dewatering, whether temporary or permanent, is not a drainage service.
- (5) The extraction of ground water and the return of the water to its source for the sole or principal purposes of heating or cooling is not a drainage or water supply service.
- (6) The supply of water by a person who —
 - (a) is supplied the water by another person; and
 - (b) does not have control over the quality of the water,is not a water supply service.
- (7) The supply of water to a person, which includes authorising the person to take water, directly from a dam, reservoir or other non-reticulated works of the supplying person is a water supply

Water Services Regulations 2013

Licensing of water service providers

Part 2**r. 6**

service or an irrigation service, according to the purpose for which the water is supplied.

- (8) A scheme under which —
- (a) a person releases or arranges for the release of water into a watercourse from works; and
 - (b) the person supplies members or customers of the person with, or authorises members or customers of the person to take, water from the watercourse; and
 - (c) the amount of water that may be supplied or taken under the scheme is limited by reference to the amount released into the watercourse,

is a water supply service or an irrigation service or both, according to the purposes for which the water is supplied.

- (9) In subregulation (8) —
watercourse has the meaning given in the *Rights in Water and Irrigation Act 1914* section 3.

6. Exemptions: notice of decision

- (1) The Minister must publish notice of a decision under section 7(1) or (5) of the Act —
- (a) in the *Gazette*; and
 - (b) on the Department's website.
- (2) The notice must set out —
- (a) the name of the person, or a description of the class of person, to whom the decision applies;
 - (b) the class or classes of water service to which the decision relates;
 - (c) a brief description of the water service or services to which the decision relates;

Water Services Regulations 2013**Part 2** Licensing of water service providers**r. 7**

- (d) a summary of the reasons for the decision;
- (e) if the decision is to grant or amend an exemption — the duration and other terms of the exemption, and any conditions to which the exemption is subject.

7. Asset management systems reports and operational audits

- (1) This regulation applies to a report or audit provided to the Authority under section 24(1) or 25(1) of the Act.
- (2) The Authority must, within 2 months of being provided the report or audit, give the Minister —
 - (a) a copy of the report or audit; and
 - (b) a report prepared by the Authority which sets out —
 - (i) the Authority's opinion on the findings in the report or audit; and
 - (ii) what recommendations the Authority has made or proposes to make, and what actions the Authority has taken or proposes to take, in response to the report or audit.

8. Codes of practice: consultation

- (1) For the purposes of section 26(9)(b) of the Act, the Minister must, before making a code of practice —
 - (a) consult with each person the Minister considers has a material interest in the application of the code; and
 - (b) allow 3 months after the preparation of the proposed code for each person consulted on the making or content of the code to comment on the proposed code.
- (2) The Minister need not comply with subregulation (1) to the extent to which the Minister is satisfied that it is not practicable to do so.

Water Services Regulations 2013

Licensing of water service providers

Part 2**r. 9****9. Codes of practice and code of conduct: publication and notification**

- (1) For the purposes of section 26(10) of the Act, the Minister must, for each code of practice, publish it on the Department's website, and keep it up-to-date.
- (2) The Minister must, as soon as practicable after making or amending a code of practice, notify each licensee to whom the code applies or will apply of —
 - (a) the making or amendment of the code; and
 - (b) the website on which the code is published.
- (3) The Minister must, as soon as practicable after revoking a code of practice notify each licensee to whom the code applied.
- (4) For the purposes of section 27(6) of the Act, the Authority must publish the code of conduct on the Authority's website, and keep it up-to-date.
- (5) The Authority must, as soon as practicable after making, amending or replacing the code of conduct, notify each licensee to whom the code applies or will apply, of —
 - (a) the making, amending or replacing of the code; and
 - (b) the website on which the code is published.

10. Notice of decision concerning licence

- (1) The Authority must publish notice of a decision referred to in section 47(2) of the Act —
 - (a) in the *Gazette*; and
 - (b) on the Authority's website.

Water Services Regulations 2013**Part 2** Licensing of water service providers**r. 11**

- (2) The notice must set out —
- (a) the class or classes of water service authorised by the licence; and
 - (b) the name of the licensee; and
 - (c) the expiry date of the licence; and
 - (d) for each class of water service authorised by the licence — the operating area or areas for the service; and
 - (e) where a copy of the licence and any maps or plans associated with it can be inspected.

11. Public availability of licences, maps and plans

For the purposes of making copies of licences, maps and plans referred to in section 48 of the Act available for public inspection, the Authority must —

- (a) publish copies of them on the Authority's website; and
- (b) allow members of the public to inspect copies of them, free of charge, at the Authority's premises.

Water Services Regulations 2013

Water Services Ombudsman Scheme

Part 3**r. 12****Part 3 — Water Services Ombudsman Scheme****12. Terms used**

In this Part —

ombudsman means the water services ombudsman;

scheme means a scheme of the kind referred to in section 65 of the Act.

13. Scheme to have a governing body

- (1) A scheme must provide for there to be a governing body of the scheme that has overall responsibility for overseeing and administering the scheme's operations, and in particular for —
 - (a) maintaining the independence of the ombudsman;
 - (b) providing advice to the ombudsman on policy matters;
 - (c) appointing, and terminating the appointment of, the ombudsman, and appointing an acting ombudsman as, and for so long as, may be required;
 - (d) determining policies relating to the administration of the scheme;
 - (e) approving the budget of the ombudsman in consultation with the ombudsman and ensuring that the scheme has sufficient funding for its operations;
 - (f) considering the appropriateness, scope and effectiveness of the scheme and, in particular, reviewing the scheme in accordance with regulation 18;
 - (g) providing advice to the ombudsman on the promotion of the scheme and the preparation of the annual report.

Water Services Regulations 2013**Part 3** Water Services Ombudsman Scheme**r. 14**

- (2) A scheme must provide for —
- (a) there to be equal representation on the governing body of —
 - (i) members of the scheme; and
 - (ii) customers of members of the scheme;and
 - (b) the governing body to have an independent chairperson.

14. Additional jurisdiction of ombudsman

For the purposes of section 65(1)(d) of the Act, the following kinds of complaint may be investigated and dealt with by the ombudsman under an approved scheme —

- (a) complaints from owners or occupiers of land or other property about the way in which a member of the scheme has exercised its statutory powers in relation to that land or property or in relation to neighbouring land or other property;
- (b) complaints relating to a member of the scheme that are referred to the ombudsman by the member with the agreement of the ombudsman and the complainant.

15. Functions of ombudsman

- (1) The functions of the ombudsman under an approved scheme are —
- (a) to have day to day responsibility for overseeing and administering the operation of the scheme; and
 - (b) to investigate and deal with disputes or complaints referred to in section 65(1) of the Act, to the extent to which they relate to commercial activities of a member of the scheme that are within the scope of the licence held by the member.

Water Services Regulations 2013

Water Services Ombudsman Scheme

Part 3**r. 16**

- (2) It is not a function of the ombudsman to set prices or determine price structures.

16. Powers of ombudsman

Without limiting the things that the ombudsman under an approved scheme may do for the purpose of dealing with a dispute or complaint, but subject to any limitations set out in the scheme, the ombudsman may give a member of the scheme one or more of the following directions —

- (a) a direction to pay compensation to a complainant;
- (b) a direction to provide a water service;
- (c) a direction to amend, or not to impose, a charge in relation to a service;
- (d) a direction to supply goods or services the subject of the complaint or undertake any necessary corrective or other work to resolve the complaint;
- (e) a direction to make an appropriate correction, deletion or addition to a record;
- (f) a direction to attach to a record a statement provided by the complainant of a correction, deletion or addition sought by the complainant;
- (g) a direction to do, not do or cease doing, an act.

17. Reasons for decisions

A scheme must provide for the giving of reasons for decisions made in dealing with a dispute or complaint that the ombudsman has had to investigate, to the parties to the dispute or complaint.

Water Services Regulations 2013**Part 3** Water Services Ombudsman Scheme**r. 18**

18. Review of schemes

- (1) The governing body of a scheme must review the efficacy of the scheme before the second anniversary of the initial approval of the scheme and at least once in every 5 years after that.
- (2) In reviewing the scheme, the governing body must consult with as many of the persons and bodies the governing body considers have an interest in the scheme as is practicable.
- (3) The governing body must give a report on the review to the Authority and a copy of the report to each member of the scheme.

19. Revocation of a scheme's approval

- (1) Before exercising the power of revocation in section 67 of the Act, the Authority must comply with subregulations (2) to (5).
- (2) The Authority must notify —
 - (a) the Minister; and
 - (b) the Minister to whom the administration of the *Fair Trading Act 2010* is committed; and
 - (c) the public,of its intention to exercise the power of revocation.
- (3) The notification must —
 - (a) set out the reasons for, and invite submissions on, the proposed exercise of the power of revocation; and
 - (b) specify the last day on which submissions will be received by the Authority (at least 30 days after the day of the notification); and
 - (c) specify the formats in which submissions will be received by the Authority.

Water Services Regulations 2013

Water Services Ombudsman Scheme

Part 3**r. 19**

- (4) To comply with subregulation (2)(c), the notification must be —
- (a) published in the *Gazette*; and
 - (b) published in a newspaper circulating in Western Australia; and
 - (c) published on the Authority's website; and
 - (d) given to persons listed on the Authority's mailing list as interested in receiving notices from the Authority.
- (5) The Authority must take into account all submissions received on or before the last day for receiving submissions.
- (6) A copy of each submission received by the Authority on or before the last day for receiving submissions must, unless the person making the submission has specified that it is confidential —
- (a) be displayed on the Authority's website; and
 - (b) be available on request.
- (7) Once the Authority has decided whether or not it will exercise the power of revocation, it must notify the Ministers referred to in subregulation (2) and the public of its decision, in the same way it notified them of its intention to exercise that power.

Water Services Regulations 2013**Part 4** Water services**Division 1** Preliminary**r. 20**

Part 4 — Water services**Division 1 — Preliminary****20. Application of Part to certain licensees**

In this Part, a reference to a licensee is a reference to a water corporation that is a licensee, unless the contrary intention appears.

Division 2 — Meters**21. Licensee may determine size of meter**

- (1) A licensee may determine the size of the meter to be connected to water service works with which the licensee provides a water service.
- (2) The licensee may do so from time to time according to operation requirements.

22. Housings for meters

If —

- (a) a water service is, or is to be, provided by a licensee in respect of land; and
- (b) a meter is to be installed by or for the purposes of the licensee on the land,

the licensee may require the owner of the land to provide, at the cost of the owner, a pit, cubicle or other suitable housing or place for the meter and its associated fittings.

Water Services Regulations 2013

Water services

Part 4

Meters

Division 2**r. 23****23. Installation of certain meters**

- (1) If a water supply service is, or is to be, provided by a licensee in respect of a multi-unit development, the licensee may connect a meter to a pipe supplying water to a unit in the development, and the owner of the land is liable to pay —
 - (a) if the licensee is the Bunbury Water Corporation — the charge set out in the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 1 item 7; or
 - (b) if the licensee is the Busselton Water Corporation — the charge set out in the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 2 item 10; or
 - (c) if the licensee is the Water Corporation — the charge set out in the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 3 item 1.
- (2) If a water supply service is, or is to be, provided by a licensee in respect of a multi-unit development, the owner of a unit in the development may request the licensee to assess whether a meter is satisfactory for the purpose of measuring the quantity or flow of water passing through a pipe supplying water to the unit.
- (3) If the licensee determines that the meter is satisfactory, the owner is liable to pay —
 - (a) if the licensee is the Bunbury Water Corporation — the charge set out in the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 1 item 8; or
 - (b) if the licensee is the Busselton Water Corporation — the charge set out in the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 2 item 11; or

Water Services Regulations 2013**Part 4** Water services**Division 2** Meters**r. 24**

- (c) if the licensee is the Water Corporation — the charge set out in the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 3 item 2.
- (4) If the licensee determines that the meter is not satisfactory, the licensee may install a meter on the pipe and the owner is liable to pay the charge applicable under subregulation (1).

24. Access to meters

- (1) The owner or occupier of land must —
 - (a) maintain a clear space, of at least 300 mm horizontally and 1 200 mm vertically, around any meter on or associated with the land that is connected to water service works of a licensee; and
 - (b) ensure easy and safe access to the meter at all times.

Penalty: a fine of \$1 000.

- (2) A person must not connect a branch or fitting to a property water supply connection within 1 m of a meter or stop-cock of the licensee that is connected to the property water supply connection, except in accordance with the approval of the licensee.

Penalty: a fine of \$1 000.

- (3) If a licensee is satisfied that a person has failed to comply with subregulation (1) or (2) in relation to a meter connected to the water service works of the licensee, the licensee may give a compliance notice to the person.

Note: See section 118 of the Act in relation to compliance notices.

- (4) The licensee must specify in the notice —
 - (a) that the licensee is satisfied that the person given the notice has failed to comply with subregulation (1) or (2); and

Water Services Regulations 2013

Water services

Part 4

Meters

Division 2**r. 25**

- (b) what the person given the notice must do to remedy the failure to comply; and
- (c) the time within which the person given the notice must comply with the notice (which must be at least 7 days).

25. Damage to or malfunctioning of meters

(1) If —

- (a) a water service is provided by a licensee in respect of land; and
- (b) a meter is connected to the water service works with which the licensee provides the service; and
- (c) the meter is on or associated with the land; and
- (d) the owner or occupier of the land becomes aware that the meter is damaged or malfunctioning,

the owner or occupier must notify the licensee as soon as practicable.

Penalty: a fine of \$500.

(2) If —

- (a) a water service is provided by a licensee in respect of land; and
- (b) a meter is connected to the water service works with which the licensee provides the service; and
- (c) the meter is on or associated with the land; and
- (d) the meter is damaged,

the licensee may recover the reasonable costs and expenses of repairing the meter.

Water Services Regulations 2013**Part 4** Water services**Division 2** Meters**r. 26**

- (3) The licensee may seek an order for the recovery of those costs and expenses in a court of competent jurisdiction from —
- (a) the person that the licensee is satisfied is responsible for the damage; or
 - (b) if the licensee cannot be satisfied as to who is responsible for the damage — the owner or occupier of the land.
- (4) The court cannot issue an order unless satisfied that —
- (a) the person was responsible for the failure; or
 - (b) in the case of an order for the recovery of costs and expenses from the owner or occupier of the land under subregulation (3)(b) — it is not unjust for the owner or occupier to pay the costs and expenses.
- (5) If —
- (a) a water service is provided by a licensee other than in respect of land; and
 - (b) a meter is connected to the water service works with which the licensee provides the service,

the person for whom the service is provided is to be treated, for the purposes of this regulation, as the owner of the land on which the meter is located.

26. Testing water meters

- (1) For the purposes of section 79 of the Act, the prescribed tolerance is $\pm 5\%$.
- (2) If —
- (a) a water service is provided by a licensee in respect of land; and

Water Services Regulations 2013

Water services

Part 4

Meters

Division 2**r. 26**

- (b) a meter is connected to the water service works with which the licensee provides the service; and
- (c) the owner or occupier of the land is dissatisfied with a reading of the meter,

the owner or occupier may, within 21 days of receiving from the licensee an invoice or other record of the reading of the meter, request the licensee to test the meter.

- (3) If the owner or occupier requests the licensee to test the meter and pays the charge (if any) for testing that type of meter, the licensee must test the meter in accordance with a procedure approved by the CEO for the purposes of this regulation.
- (4) The charge referred in subregulation (3) is —
 - (a) if the licensee is the Bunbury Water Corporation — the charge set out in the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 1 item 9; or
 - (b) if the licensee is the Busselton Water Corporation — the charge set out in the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 2 item 12; or
 - (c) if the licensee is the Water Corporation — the charge set out in the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 3 item 3.
- (5) If, on testing the meter, it is not found to be within the prescribed tolerance for that type of meter —
 - (a) the reading with which the owner or occupier is dissatisfied must be adjusted; and
 - (b) any water service charges based on the reading must be adjusted; and

Water Services Regulations 2013**Part 4** Water services**Division 3** Development and building control, and infrastructure contributions**r. 27**

- (c) the licensee must bear the costs of the testing, which includes refunding or crediting the charge (if any) paid under subregulation (3).
- (6) If, on testing the meter, it is found to be within the prescribed tolerance for that type of meter the licensee may charge the owner or occupier with the reasonable costs of testing the meter, less the charge (if any) paid under subregulation (3).
- (7) The licensee may recover any outstanding costs under subregulation (6) from the owner or occupier, and may seek an order for the recovery of those costs in a court of competent jurisdiction.

Division 3 — Development and building control, and infrastructure contributions**27. Terms used**

In this Division —

Bunbury Water Corporation has the meaning given in the *Water Corporations Act 1995* section 3(1);

Busselton Water Corporation has the meaning given in the *Water Corporations Act 1995* section 3(1);

developer means the owner of land from which it is proposed to create 2 or more lots by subdivision;

habitable lot means a lot that has on it a building that is used, or suitable to be used, for residential purposes;

lot does not include a lot depicted on a strata plan unless —

- (a) it is a lot in a survey strata-scheme; or
- (b) it is a vacant lot as defined in the *Strata Titles Act 1985* section 7(6);

Water Services Regulations 2013

Water services

Part 4Development and building control, and infrastructure
contributions**Division 3****r. 28**

strata plan has the meaning given in the *Strata Titles Act 1985* section 3(1);

subdivision refers to the creation of 2 or more lots by subdivision;

survey-strata scheme has the meaning given in the *Strata Titles Act 1985* section 3(1);

townsite has the meaning given in the *Land Administration Act 1997* section 3(1);

unallocated Crown land has the meaning given in the *Land Administration Act 1997* section 3(1);

unmanaged reserve has the meaning given in the *Land Administration Act 1997* section 3(1).

28. Notification of building work: excluded land

- (1) For the purposes of section 82(3) of the Act, the following land is prescribed —
 - (a) in relation to all licensees — unallocated Crown land and unmanaged reserves;
 - (b) in relation to the Water Corporation and the Bunbury Water Corporation — land within the operating area of a licence of the Water Corporation that is farmland;
 - (c) in relation to the Busselton Water Corporation — land within the operating area of a licence of the Busselton Water Corporation.
- (2) Regulation 20 does not apply to this regulation.

29. Subdivision: deferring infrastructure contributions

- (1) This regulation applies in respect of a lot if —
 - (a) the lot is created by subdivision; and

Water Services Regulations 2013**Part 4** Water services**Division 3** Development and building control, and infrastructure contributions**r. 29**

- (b) the lot is in the operating area, in relation to water supply or sewerage services, of a licensee; and
 - (c) the lot is not a habitable lot; and
 - (d) there is neither a water supply connection nor a property sewer connection for the lot; and
 - (e) if the area of the lot is 2 000 m² or less — the lot is to be used for residential purposes or for purposes which include residential purposes; and
 - (f) if the area of the lot is more than 2 000 m² — the lot is to be used for a building or a group of buildings that —
 - (i) is solely for residential purposes; and
 - (ii) contains a number of separate residential units.
- (2) If —
- (a) the developer of the lot is required by the licensee to pay an infrastructure contribution in respect of the lot; and
 - (b) the developer makes a request, in writing, to the licensee that the requirement be deferred,
- the licensee must, subject to subregulations (3) and (4), allow the requirement to be deferred.
- (3) The licensee need not allow the requirement to be deferred if the licensee is satisfied that the developer has on one or more previous occasions (whether under the Act, the *Water Agencies (Powers) Act 1984* or the *Water Boards Act 1904*) been allowed to defer payment of an infrastructure contribution but did not —
- (a) pay the contribution in full when due; or
 - (b) comply with an agreement about the deferral of the payment of the contribution.

Water Services Regulations 2013

Water services

Part 4Development and building control, and infrastructure
contributions**Division 3****r. 29**

-
- (4) If a mortgage is registered against land, a requirement to pay an infrastructure contribution in respect of the land cannot be deferred unless the mortgagee consents in writing.
 - (5) The requirement ceases to be deferred on the earlier of —
 - (a) the day on which the lot becomes a habitable lot; or
 - (b) the day on which a water supply connection or property sewer connection is installed for the lot; or
 - (c) the expiry of one year after the day on which the diagram or plan of survey of the subdivision was endorsed with the approval of the Western Australian Planning Commission.
 - (6) If the infrastructure contribution is not paid in full by the time the requirement to pay it ceases to be deferred, interest, calculated in accordance with regulation 82, accrues on any amount of the contribution that remains unpaid.
 - (7) The licensee may allow the requirement to be deferred subject to the developer agreeing to pay to the licensee the amount of any costs and disbursements payable by the licensee that are attributable to deferring the requirement or to lodging or withdrawing a memorial under section 128 of the Act.
 - (8) This regulation does not prevent the licensee and the developer from entering into an agreement about the deferral of the requirement and that agreement may displace the effect of subregulations (5), (6) and (7).
 - (9) The licensee may recover from a developer an amount that the developer has agreed to pay under subregulation (7) and interest calculated in accordance with regulation 82 accruing on any part of the amount that remains unpaid after the time by which the developer agreed to pay it, and the licensee may seek an order

Water Services Regulations 2013**Part 4** Water services**Division 3** Development and building control, and infrastructure contributions**r. 30**

for the recovery of the amount, and any interest, in a court of competent jurisdiction.

- (10) If a lot is, with the consent of the licensee, transferred while a memorial on the title of the lot is registered in relation to an infrastructure contribution under section 128(2)(b) of the Act, the transferee and the transferor are jointly and severally liable for payment of the contribution.
- (11) Subregulation (10) does not prevent the transferee from recovering the amount of the contribution from the transferor.

30. Subdivision: concession on water service charges

- (1) This regulation applies in respect of a lot if —
- (a) the lot is created by subdivision; and
 - (b) the lot is in an operating area, in relation to water supply or sewerage services, of a licensee; and
 - (c) the lot is not a habitable lot; and
 - (d) there is neither a water supply connection nor a property sewer connection for the lot; and
 - (e) if the area of the lot is 2 000 m² or less — the lot is to be used for residential purposes or for purposes which include residential purposes; and
 - (f) if the area of the lot is more than 2 000 m² — the lot is to be used for a building or group of buildings that —
 - (i) is solely for residential purposes; and
 - (ii) contains a number of separate residential units.
- (2) No water service charge is payable to the licensee in respect of the lot for the concession period.

Water Services Regulations 2013

Water services

Part 4

Protection of water service works and water quality

Division 4**r. 31**

- (3) The *concession period* for the lot begins on the day on which a diagram or plan of survey of the subdivision is endorsed with the approval of the Western Australian Planning Commission and ends immediately before the earlier of —
- (a) the day on which the owner transfers the ownership of the lot to give effect to an agreement for the sale of land; or
 - (b) the day on which the lot becomes a habitable lot; or
 - (c) the day on which a water supply connection or property sewer connection is installed for the lot; or
 - (d) the expiry of one year after the day on which the approval of the Commission was endorsed on the diagram or plan of survey.

Division 4 — Protection of water service works and water quality**Subdivision 1 — Preliminary****31. Terms used**

In this Division, unless the contrary intention appears —

land includes —

- (a) tidal land; and
- (b) tidal waters in any inlet, estuary, lagoon, river, stream or creek; and
- (c) the waters of any inlet, estuary, lake, lagoon or swamp or of any river, stream or creek whether flowing continuously or intermittently;

land controlled by a licensee means land owned or occupied by the licensee or under the care, control and management of the licensee;

Water Services Regulations 2013**Part 4** Water services**Division 4** Protection of water service works and water quality**r. 32**

vehicle has the meaning given in the *Road Traffic Act 1974*.

32. Lawful authority

Without limiting the meaning of the expression “without lawful authority” for the purposes of this Division, an act is done without lawful authority if it is done —

- (a) in contravention of any term or condition of a contract, lease, licence, approval or other authority under or for the purposes of the Act or these regulations; or
- (b) in contravention of the terms and conditions of an authority (however described) under another written law; or
- (c) where the person doing the act has entered the land upon which the act is done without lawful authority.

33. Land not open to the public

For the purposes of this Division, an area of land is not open to the public if —

- (a) it is fenced off or some other suitable barrier is in place to prevent access to the area; or
- (b) signs in or in the vicinity of the area indicate that entry to the area is prohibited without lawful authority.

34. Signs and other barriers: presumption

A sign, marking, gate, barrier or buoy, placed in or in the vicinity of an area of land, that is referred to in a provision of this Division is to be presumed, in the absence of evidence to the contrary, to be a sign, marking, gate, barrier or buoy placed by the authority of the relevant licensee.

Water Services Regulations 2013

Water services

Part 4

Protection of water service works and water quality

Division 4**r. 35****Subdivision 2 — Protection of water service works****35. Controlling entry to land**

- (1) A person must not, without lawful authority, enter an area of land —
 - (a) on which water service works of a licensee are located; and
 - (b) that is not open to the public.Penalty: a fine of \$2 500.
- (2) If entrance to an area of land controlled by a licensee or on which water service works of a licensee are located is controlled by a gate or other barrier, a person must not, without lawful authority, enter or cause a vehicle or animal to enter that area other than through the gate or barrier.
Penalty: a fine of \$2 500.
- (3) A person must not, without lawful authority, unlock, dismantle or break down a locked gate or locked barrier controlling an entrance to an area of land controlled by a licensee or on which water service works of a licensee are located.
Penalty: a fine of \$2 500.
- (4) A person must not, without lawful authority, open, remove, dismantle or breakdown a gate or barrier controlling an entrance to an area of land controlled by a licensee or on which water service works of a licensee are located if it is clear, including by signs on or near the gate or barrier, that the gate or barrier is not meant to be opened or removed.
Penalty: a fine of \$2 500.

Water Services Regulations 2013**Part 4** Water services**Division 4** Protection of water service works and water quality**r. 36**

36. Parking vehicles etc.

- (1) In this regulation —
specified means specified by a sign.
- (2) A person must not, without lawful authority, park or stand a vehicle on land on which water service works of a licensee are located contrary to any direction on a sign.
Penalty: a fine of \$2 500.
- (3) A sign may direct that an area of land is set aside —
 - (a) for the parking of a specified vehicle or specified class of vehicle;
 - (b) for the parking of a vehicle of a specified person or specified class of person;
 - (c) for the parking of vehicles for a specified maximum period of time;
 - (d) for the parking of vehicles only within specified parking bays;
 - (e) as a “no standing” or “no parking” area.

37. Crossing over conduits of a licensee

- (1) A person must not, without lawful authority, drive a vehicle over, or take, ride or permit a vehicle or animal to cross over, a conduit of a licensee (other than a conduit that is underground) except at crossing places provided or indicated by the licensee.
Penalty: a fine of \$2 500.
- (2) A person must not, without lawful authority, drive a vehicle over, or take, ride or permit a vehicle or animal to cross over, a conduit of a licensee that is underground if —
 - (a) the location of the conduit is indicated by signs placed on or in the vicinity of the conduit; and

Water Services Regulations 2013

Water services

Part 4

Protection of water service works and water quality

Division 4**r. 38**

- (b) the signs indicate that the underground conduit is not to be driven on or crossed over,

except at crossing places provided or indicated by the licensee.

Penalty: a fine of \$2 500.

38. Boating on Lakes Kununurra and Argyle

- (1) In this regulation —

prohibited behaviour means —

- (a) using a boat within 200 m of the upstream face of the Kununurra Diversion Dam or within the area marked off by buoys adjacent to the spillway on Lake Argyle;
- (b) mooring a boat on Lake Kununurra or Lake Argyle without the approval of the Water Corporation;
- (c) plying for hire with a boat or boats on Lake Kununurra or Lake Argyle without the approval of the Water Corporation;
- (d) mooring or using a boat on Lake Kununurra or Lake Argyle in such a position or manner as to obstruct, impede or otherwise interfere with or endanger the safety of other boats or persons;
- (e) organising, promoting or conducting a regatta or similar event on Lake Kununurra or Lake Argyle without the approval of the Water Corporation.

- (2) A person must not, without lawful authority, engage in prohibited behaviour.

Penalty: a fine of \$2 000.

Water Services Regulations 2013**Part 4** Water services**Division 4** Protection of water service works and water quality**r. 39**

Subdivision 3 — Protection of water quality**39. Contamination of water supply**

- (1) A person must not enter, or swim, bathe or wash or wash anything in, water supply works of a licensee.

Penalty: a fine of \$5 000.

- (2) A person must not, without lawful authority —

- (a) bring an animal on to an area of land on which water supply works of a licensee are being provided or are located and that is not open to the public; or
- (b) allow an animal to enter or remain on such an area of land.

Penalty: a fine of \$5 000.

40. Camping and lighting fires

- (1) A person must not, without lawful authority, camp on land controlled by a licensee or on which water service works of a licensee are located other than —

- (a) in an area designated by the licensee for that purpose by signs placed in or in the vicinity of the area; and
- (b) in accordance with any restrictions indicated by the signs designating the area as a camping area.

Penalty: a fine of \$2 500.

- (2) A person must not, without lawful authority, light, kindle, maintain or use, or assist another person in lighting, kindling or maintaining, a campfire, barbecue or portable stove on land controlled by a licensee or on which water service works of a licensee are located other than in an area referred to in subregulation (1)(a).

Penalty: a fine of \$5 000.

Water Services Regulations 2013

Water services

Part 4

Protection of water service works and water quality

Division 4**r. 41****41. Littering and refuse**

- (1) In this regulation —
litter has the meaning given in the *Litter Act 1979* section 5(1).
- (2) A person must not deposit litter, or cause litter to be deposited, on land controlled by a licensee or on which water service works of a licensee are located, unless the person deposits the litter in a place or receptacle set aside or provided by the licensee for that purpose.
Penalty: a fine of \$2 000.

42. Backflow prevention devices: installation

- (1) If a licensee is satisfied that plumbing connected to the water service works of the licensee presents a contamination risk to water supplied, or to be supplied, by the licensee, the licensee may, by order in writing, require the owner or occupier of the land on which the plumbing is located to install a backflow prevention device.
- (2) An order under subregulation (1) must set out the date by which the backflow prevention device must be installed and tested (which must be at least 7 days after the day on which the order is given to the owner or occupier).
- (3) An owner or occupier given an order under subregulation (1) must comply with it.
Penalty: a fine of \$5 000 and a daily penalty of \$500.
- (4) The owner or occupier must, in selecting and installing a backflow prevention device, comply with AS 3500.1: 2003.
Penalty: a fine of \$5 000.

Water Services Regulations 2013**Part 4** Water services**Division 4** Protection of water service works and water quality**r. 43**

- (5) An owner or occupier does not commit an offence under subregulation (4) in relation to plumbing work to which the *Plumbers Licensing and Plumbing Standards Regulations 2000* apply.
- (6) A person who carries out testing for the purposes of subregulation (2) must ensure that a copy of the relevant test report referred to in AS 2845.3-2010 is given to the licensee not later than 5 working days after the day on which the test is carried out.

Penalty: a fine of \$1 000.

43. Backflow prevention devices: testing and maintenance

- (1) The owner or occupier of land on which a backflow prevention device is installed must ensure that the device is —
- (a) tested and certified in accordance with, and at the intervals specified in, AS 2845.3-2010; and
 - (b) maintained in accordance with the standard.

Penalty: a fine of \$5 000 and a daily penalty of \$500.

- (2) If a licensee is satisfied that a backflow prevention device connected to the water service works of the licensee has not been tested or maintained in accordance with subregulation (1), the licensee may give a compliance notice to the owner or occupier of the land on which the device is installed.

Note: See section 118 of the Act in relation to compliance notices.

- (3) The licensee must specify in the notice —
- (a) that the device must be tested or maintained in accordance with the standard; and

Water Services Regulations 2013

Water services

Part 4

Protection of water service works and water quality

Division 4**r. 44**

- (b) the date by which the testing or maintenance is required to be done (which must be at least 7 days after the day on which the order is given to the owner or occupier).
- (4) A person who carries out testing for the purposes of subregulation (1) or (3) must ensure that a copy of the relevant test report referred to in AS 2845.3-2010 is given to the licensee not later than 5 working days after the day on which the test is carried out.

Penalty: a fine of \$1 000.

- (5) If a licensee is satisfied that a backflow prevention device connected to the water service works of the licensee is not operating in accordance with AS 2845.3-2010, the licensee may give a compliance notice to the owner or occupier of the land on which the device is installed.

Note: See section 118 of the Act in relation to compliance notices.

- (6) The licensee must specify in the notice —
 - (a) the work that is required to be done to ensure that the device is made good as specified in the notice; and
 - (b) the manner in which the work is to be done; and
 - (c) the date by which the work is required to be done (which must be at least 7 days after the day on which the notice is given to the owner or occupier).

44. No connection of pumps to water supply without approval

An owner or occupier of land in respect of which a water supply service is provided by a licensee must not connect a pump to —

- (a) the property water supply connection; or
- (b) anything connected to the property water supply connection,

Water Services Regulations 2013**Part 4** Water services**Division 4** Protection of water service works and water quality**r. 45**

except in accordance with the approval of the licensee.

Penalty:

- (a) for an individual, a fine of \$5 000 and a daily penalty of \$500;
- (b) for a body corporate, a fine of \$10 000 and a daily penalty of \$500.

**Subdivision 4 — Obstructions and activities over or in vicinity of
water service works**

45. Application of Subdivision

This Subdivision has effect in relation to the water service works of —

- (a) a water corporation while it is a licensee; and
- (b) Hamersley Iron Pty. Limited (ACN 004 558 276) while it is a licensee.

**46. Prescribed proximity to water service works generally:
s. 90(1)**

- (1) For the purposes of section 90(1) of the Act, the following are to be taken to be obstructions —
 - (a) electrical, telecommunications and similar cables;
 - (b) gas mains;
 - (c) power poles and other poles and towers;
 - (d) drains;
 - (e) ground anchors;
 - (f) material stockpiles;
 - (g) roads and airstrips.

Water Services Regulations 2013

Water services

Part 4

Protection of water service works and water quality

Division 4**r. 46**

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- (2) For the purposes of section 90(1) of the Act, the following are to be taken not to be obstructions —
- (a) small trees (that is, of no more than 5 m in height);
 - (b) fences and similar structures, that can be readily removed.
- (3) For the purposes of section 90(1) of the Act, the prescribed proximity to the water service works of a licensee is that which is determined by the licensee from time to time and published on a website of the licensee, within the limits, which are spaces around the works, defined as follows —
- (a) for a conduit — 10 m (measured horizontally) out from the centre-plane of the conduit, but limited to a height of 15 m above —
 - (i) the top of the conduit; or
 - (ii) if the conduit is underground — the ground level above the conduit;
 - (b) for any other works — 10 m (measured horizontally) from the edge of the works, at ground level, projected vertically in both directions, but limited to a height of 15 m above —
 - (i) the top of the works; or
 - (ii) if the works are underground — the ground level above the works.
- (4) For the purposes of subregulation (3)(a) —
- centre-line**, of a conduit, means the line, running longitudinally, through the centre of the cross-section of the conduit;
- centre-plane**, of a conduit, means the plane, projected vertically in both directions, from the centre-line of the conduit.

Water Services Regulations 2013**Part 4** Water services**Division 4** Protection of water service works and water quality**r. 47**

- (5) For the purposes of subregulation (3)(b) —
- (a) if the edge of the works at a point varies vertically, the edge is to be taken to be the widest part of the works at that point; and
 - (b) the edge of the works is to be determined at ground level, whether or not the works are above, at or below ground level.

47. Prescribed proximity to prescribed water service works: s. 90(2)

- (1) In this regulation, unless the contrary intention appears —
- activity** means an activity of a kind that a person must not engage in under section 90(2) of the Act except in accordance with the approval of the licensee;
- pipes** includes associated fittings, fixtures and structures.
- (2) For the purposes of section 90(2) of the Act, the following kinds of water service works are prescribed —
- (a) water supply pipes, with a nominal diameter of 300 mm or more, made of any material other than reinforced concrete or asbestos cement;
 - (b) water supply pipes, of any diameter, made of reinforced concrete or asbestos cement;
 - (c) sewer pressure pipes;
 - (d) drainage pipes, including drainage pressure pipes;
 - (e) gravity sewers, sewer junctions and sewer risers.
- (3) For the purposes of section 90(2) of the Act, the following activities are to be taken to damage water service works —
- (a) trenchless excavations;

Water Services Regulations 2013

Water services

Part 4

Protection of water service works and water quality

Division 4**r. 47**

- (b) heavy load transportation, other than on a permanent road;
 - (c) removing large trees (that is, of more than 5 m in height) other than by cutting down and stump grinding;
 - (d) ground anchor installation;
 - (e) pile driving;
 - (f) blasting.
- (4) For the purposes of section 90(2) of the Act, the use of impact equipment that is hand operated is to be taken not to damage water service works.
- (5) For the purposes of section 90(2) of the Act, the prescribed proximity to a prescribed kind of works of a licensee is, in relation to an activity referred to in the Table, that which is determined by the licensee from time to time and published on a website of the licensee, within the limits set out in the Table.

Table

Item	Kind of water service works	Activity	Proximity limit
1.	Water supply pipes with a nominal diameter of 300 mm or more, made of any material other than reinforced concrete or asbestos cement	Any activity not covered by items 6 and 7	6 m from the pipe
2.	Water supply pipes, made of reinforced concrete or asbestos cement	Any activity not covered by items 6 and 7	4 m from the pipe

Water Services Regulations 2013**Part 4** Water services**Division 4** Protection of water service works and water quality**r. 48**

Item	Kind of water service works	Activity	Proximity limit
3.	Sewer pressure pipes and drainage pressure pipes	Any activity not covered by items 6 and 7	6 m from the pipe
4.	Drainage pipes not covered by item 3 and gravity sewers, sewer junctions and sewer risers	Any activity not covered by items 5, 6 and 7	2 m from the pipe
5.	Drainage pipes not covered by item 3 and gravity sewers, sewer junctions and sewer risers	Excavation parallel to the pipe	1 m from the pipe
6.	Pipes covered by items 1 to 5	Blasting	1 000 m from the works
7.	Pipes covered by items 1 to 5	Pile driving	10 m from the works

Subdivision 5 — Approval and prohibition of fittings, fixtures, pipes, materials and methods**48. Subdivision applies to all licensees**

Regulation 20 does not apply to this Subdivision.

Water Services Regulations 2013

Water services

Part 4

Protection of water service works and water quality

Division 4**r. 49****49. Approval and prohibition of fittings, fixtures, pipes, materials and methods**

- (1) For the purposes of section 91 of the Act, a fitting, fixture or pipe is approved if —
- (a) it is a fitting or fixture of a kind listed in subregulation (2); or
 - (b) it —
 - (i) is manufactured under or supplied under a StandardsMark licence or a WaterMark licence granted by Standards Australia as a water or sanitary plumbing product intended for use in plumbing installations; and
 - (ii) bears, or the packaging of it bears, the StandardsMark or WaterMark, as appropriate, of Standards Australia and the product or its packaging complies with such other marking requirements as are set out in the “Manual of Authorisation Procedures for Plumbing and Drainage Products, SAA MP52 — 2005”, published by Standards Australia;
- or
- (c) it is certified under the WaterMark Certification Scheme and bears, or the packaging of it bears, the WaterMark and any other markings as required by that standard; or
 - (d) it —
 - (i) is a fitting, fixture or pipe, or of a class of fitting, fixture or pipe, for which an approval of the licensee is in effect under subregulation (4); and
 - (ii) complies with the conditions (if any) to which the approval is subject.

Water Services Regulations 2013**Part 4** Water services**Division 4** Protection of water service works and water quality**r. 50**

- (2) For the purposes of subregulation (1), the kinds of fittings and fixtures are —
 - (a) baths;
 - (b) basins;
 - (c) sinks;
 - (d) laundry troughs;
 - (e) shower recess bases.
- (3) Food waste disposal units are prohibited for the purposes of section 91 of the Act, even if they are otherwise approved under subregulation (1).
- (4) For the purposes of subregulation (1)(d), a licensee may approve of a fitting, fixture or pipe, or class of fitting, fixture or pipe, subject to conditions, and may vary or revoke those conditions.
- (5) An application for approval must —
 - (a) be made in a form and manner approved by the licensee; and
 - (b) be accompanied by —
 - (i) detailed plans of the fitting or fixture; and
 - (ii) if required by the licensee — a sample of the fitting, fixture or pipe.
- (6) The licensee may, in writing, require the applicant to provide details of test results and such other information as may be needed for the purpose of determining a particular application.
- (7) The licensee need not give its decision on the application until the applicant has paid the licensee the reasonable costs and expenses of the licensee in assessing the application and undertaking any testing of the fitting, fixture or pipe.

Water Services Regulations 2013Water services **Part 4**Fire hydrants **Division 5****r. 50****Subdivision 6 — Licensed plumbers****50. Subdivision applies to all licensees**

Regulation 20 does not apply to this Subdivision.

51. Licensed plumbers

- (1) If, in the course of carrying out plumbing work, a licensed plumbing contractor, or a person under the general direction and control or supervision of the contractor, becomes aware of a circumstance or any other thing that is likely to result in —
- (a) the contamination of water supplied by a licensee; or
 - (b) liquid or any other thing, that is likely to interfere with or adversely affect sewerage works of a licensee, entering those works,

the contractor must report that to the licensee as soon as practicable.

Penalty: a fine of \$2 000.

- (2) If, in the course of carrying out plumbing work, a licensed plumbing contractor, or a person under the general direction and control or supervision of the contractor, damages water service works of a licensee, the contractor must —
- (a) report that to the licensee as soon as practicable; and
 - (b) repair the damage as soon as practicable.

Penalty: a fine of \$2 000.

- (3) The contractor is liable for the expense of repairing the damage referred to in subregulation (2)(b).

Water Services Regulations 2013**Part 4** Water services**Division 5** Fire hydrants**r. 52**

Division 5 — Fire hydrants**52. Taking water from fire hydrants**

For the purposes of section 97(1) of the Act, the following purposes (for which water may be taken from a fire hydrant) are prescribed —

- (a) fire fighting training;
- (b) dealing with hazardous materials spills.

Division 6 — Sewerage services**Subdivision 1 — Diagrams of drainage plumbing****53. Diagrams of drainage plumbing**

- (1) In this regulation —
 - building work* has the meaning given in the *Building Act 2011* section 3;
 - drainage plumbing* has the meaning given in the *Plumbers Licensing and Plumbing Standards Regulations 2000* regulation 3(1);
 - drainage plumbing work* has the meaning given in the *Plumbers Licensing and Plumbing Standards Regulations 2000* regulation 4.
- (2) A licensed plumbing contractor who carries out drainage plumbing work that is the installation or alteration of drainage plumbing that is connected to the sewerage works of a licensee must give the licensee a diagram or diagrams of the work, in the form and showing the details required by the licensee, within —
 - (a) if the plumbing work is not part of building work — 60 days after the day on which the plumbing work is completed; or

Water Services Regulations 2013

Water services

Part 4Water supply or irrigation services in the Ord Irrigation
District**Division 7****r. 54**

- (b) if the plumbing work is part of building work — 60 days after the day on which the building work is completed.

Penalty: a fine of \$1 500.

- (3) A person may apply to a licensee for a plan of existing drainage plumbing for a building or in an area and the licensee must, on payment of the reasonable costs and expenses of the licensee in preparing or producing the plan, provide the person with the plan.
- (4) The licensee need not comply with subregulation (3) to the extent to which the licensee does not have the necessary diagrams and records of the drainage plumbing.

Subdivision 2 — Discharge of trade waste**54. Meaning of trade waste**

For the purposes of Part 5 Division 6 Subdivision 2 of the Act, water discharged from a domestic swimming pool is not trade waste.

55. Application of s. 102: approval required to discharge trade waste

Section 102(1) of the Act does not apply to the following classes of persons, while carrying on their respective trade, industry, business or calling —

- (a) beauticians;
- (b) florists;
- (c) hairdressers.

Water Services Regulations 2013**Part 4** Water services**Division 7** Water supply or irrigation services in the Ord Irrigation District**r. 56**

Division 7 — Water supply or irrigation services in the Ord Irrigation District**56. Terms used**

In this Division —

irrigation works means irrigation works of the Water Corporation in the Ord Irrigation District, and includes —

- (a) a dam, reservoir or other non-reticulated works of the Corporation used in the provision of an irrigation service; and
- (b) the Ord River to the extent to which the river is used by the Corporation to, in effect, deliver water to persons who are to be supplied with water by the Corporation;

means of supplying water includes offtakes, pumps, siphons and other means of extracting or diverting water from irrigation works.

57. Water supply or irrigation services in the Ord Irrigation District

- (1) An owner or occupier of land in the Ord Irrigation District may apply to the Water Corporation for the provision of a water supply or irrigation service in respect of the land or a service that combines both of those types of service.
- (2) The service may be provided by —
 - (a) the Corporation permitting the owner or occupier to pump or siphon water from irrigation works; or
 - (b) the Corporation constructing works with which to supply water to the land from irrigation works.

Water Services Regulations 2013

Water services

Part 4Water supply or irrigation services in the Ord Irrigation
District**Division 7****r. 58**

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- (3) The service is subject to the following terms and conditions, that —
- (a) the water may be taken, or is to be supplied, as and when water is available in the irrigation works;
 - (b) the service is a general service and not a special service for individual customers;
 - (c) the Corporation may limit either or both the area of land to be watered and the amount of water to be supplied;
 - (d) the Corporation may, at any time, cancel a service, including a service the provision of which commenced before this regulation came into operation;
 - (e) the recipient of the service is liable for any costs of the Corporation in constructing works with which to supply water to the land;
 - (f) access to the means of supplying water to the land, for the purposes of inspection, be constructed and maintained in accordance with the Corporations requirements;
 - (g) the recipient of the service maintain the means of supplying water to the land so as to prevent the waste of water or the pollution of water in the irrigation works.
- (4) This regulation does not prevent the Corporation and a person to whom a service described in this regulation is, or is to be, provided from entering into an agreement about the provision of the service, including an agreement that modifies or displaces some or all of the provisions of subregulation (3).

58. Removing means of supply

- (1) If a person installs or leaves in place a means of supplying water to land from irrigation works without the permission of the

Water Services Regulations 2013**Part 4** Water services**Division 8** Works in roads**r. 59**

Water Corporation, the Corporation may give a compliance notice to the owner or occupier of the land.

Note: See section 118 of the Act in relation to compliance notices.

- (2) The Corporation must specify in the notice that the means of supplying water must be removed within 14 days after the day on which the notice is issued.
- (3) The Corporation may remove a means of supplying water to land from irrigation works if satisfied that it is endangering or hindering the operation of the irrigation works.
- (4) The Corporation may recover from the owner or occupier of the land the reasonable costs of taking action under subregulation (3), and may seek an order for the recovery of those costs in a court of competent jurisdiction.

Division 8 — Works in roads**59. Division applies to all licensees**

Regulation 20 does not apply to this Division.

60. Altering position of service infrastructure in roads

- (1) In this regulation —
service infrastructure includes pipes, wires and other fittings and apparatus for the provision of a water supply, energy supply, telecommunications or other similar service.
- (2) If —
 - (a) a licensee proposes to exercise a works power in a road;
and
 - (b) there is service infrastructure in the road; and
 - (c) the licensee considers that it is necessary to alter the position of some of the infrastructure,

Water Services Regulations 2013

Water services

Part 4

Works in roads

Division 8**r. 61**

the licensee must notify the person who owns or is otherwise responsible for the infrastructure of the alterations and may request that that person make the alterations within the time specified in the notice.

- (3) If the person notified makes the requested alterations within the time specified, or any extension of it granted by the licensee, the person may recover the reasonable costs and expenses incurred in making the alterations from the licensee and may seek an order for the recovery of those costs and expenses in a court of competent jurisdiction.
- (4) If the person notified does not make the requested alterations within the time specified, or any extension of the time, the licensee may, at its own cost, make the alterations.

61. Levels and widths of roads: works by licensees

- (1) If a licensee proposes to place, or alter the position or alignment of, water service works in a road, the licensee may request the public authority having the control and management of the road to give the licensee details of the levels and width, or proposed levels and width, of the road and the method, or proposed method, of surfacing the road.
- (2) If the public authority does not comply with the request within 14 days of receipt of it, or any extension of it granted by the licensee, the licensee is entitled to place or alter the works in reliance on the existing levels, width and surface.

62. Altering levels and widths of roads

- (1) A public authority having the control and management of a road in which there are water service works of a licensee must give the licensee at least 14 days' notice in writing of any change to the level or width of, or method of surfacing, the road.

Water Services Regulations 2013**Part 4** Water services**Division 9** Water service charges: information and records, objections and review**r. 63**

- (2) The licensee may, within the period of notice or any extension of it granted by the public authority, give notice to the public authority of —
 - (a) any alteration to the position or alignment of the works required because of the change to the level, width or method of surfacing the road; and
 - (b) the time by which the licensee estimates the work will have been carried out.
- (3) If the public authority gives a notice as required by subregulation (1), the licensee may recover from the public authority the reasonable costs and expenses incurred in making the alterations referred to in a notice given by the licensee under subregulation (2), and may seek an order for the recovery of those costs and expenses in a court of competent jurisdiction.
- (4) If the public authority does not give a notice as required by subregulation (1), the public authority is liable to compensate the licensee for, and indemnify the licensee against, any loss, damage or costs arising from or in relation to the changes to the road.

63. Roads broken up to be reinstated

If a licensee opens or breaks up the surface of a road, the licensee must —

- (a) complete the work for which the road was broken up, and reinstate and make good the road, as soon as practicable; and
- (b) while any part of the road is opened or broken up, take all reasonable measures to prevent that part of the road from being a hazard to users of the road.

Water Services Regulations 2013

Water services

Part 4Water service charges: information and records, objections
and review**Division 9****r. 64****Division 9 — Water service charges: information and records,
objections and review****64. Provision of information about owner or occupier of land,
or agent**

- (1) If a person becomes or ceases to be —
- (a) the owner or occupier of land in respect of which water service charges payable to a licensee apply; or
 - (b) a person authorised by or on behalf of the owner of such land to receive bills for water service charges in respect of the land on behalf of the owner,

the person must give the licensee notice of that within 14 days after the day on which it took place.

Penalty: a fine of \$500.

- (2) A licensee may make the following requests of the following persons about land in respect of which water service charges payable to the licensee apply —
- (a) that an occupier of the land give the licensee the name of the owner of the land or of the person receiving or authorised to receive the rents of the land;
 - (b) that a person receiving or authorised to receive the rents of the land give the licensee the name of the owner of the land.
- (3) A person of whom a licensee has made a request under subregulation (2) must comply with it.

Penalty: a fine of \$500.

Water Services Regulations 2013**Part 4** Water services**Division 9** Water service charges: information and records, objections and review**r. 65**

65. Records

- (1) A licensee must maintain records for all land in respect of which water service charges apply.
- (2) The records must include the following —
 - (a) the description and situation of the land;
 - (b) the name and address of the owner of the land;
 - (c) the account number (if any);
 - (d) if relevant to the determination of a charge in respect of the land — the gross rental value, the unimproved value or the area of the land;
 - (e) the classification (if any) of the land for the purpose of the application of any charge in respect of the land;
 - (f) any other information that the licensee requires for the determination of a charge in respect of the land;
 - (g) the amount of any charge that is unpaid.
- (3) Instead of recording the name and address of the owner of the land, the licensee may, if authorised to do so by or on behalf of the owner, record the name and address of a person —
 - (a) occupying or responsible for the management of the land; or
 - (b) authorised to receive bills for water service charges in respect of the land on behalf of the owner.
- (4) The licensee must —
 - (a) make the records available for inspection by any person, without charge; and

Water Services Regulations 2013

Water services

Part 4Water service charges: information and records, objections
and review**Division 9****r. 66**

-
- (b) give a copy of particular records to a person with a material interest in them, on payment of the charge set out in —
- (i) if the licensee is the Bunbury Water Corporation — the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 1 item 10; or
 - (ii) if the licensee is the Busselton Water Corporation — the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 2 item 13; or
 - (iii) if the licensee is the Water Corporation — the *Water Services (Water Corporations Charges) Regulations 2013* Schedule 3 item 14.

66. Valuation and rating records of local governments

- (1) A person authorised by a licensee for the purposes of this regulation may, without fee or charge, inspect the valuation and rate records of a local government and make copies and extracts of those records.
- (2) If —
- (a) a licensee requests a local government to provide it with certified copies and extracts of the valuation and rate records of the local government; and
 - (b) the licensee pays the amount prescribed (if any) under the *Local Government Act 1995*,

the local government must provide those copies and extracts to the licensee, certified by the chief executive officer as being true copies or accurate extracts of those records.

Water Services Regulations 2013**Part 4** Water services**Division 9** Water service charges: information and records, objections and review**r. 67**

67. Records to be basis for water service charges

- (1) Except as otherwise provided under the Act, records maintained by a licensee under regulation 65 for a period in relation to land are the basis upon which the licensee must determine the water service charges applicable in respect of the land for the period.
- (2) Records maintained by a licensee under regulation 65 may be amended during the 5 years after the end of the period to which they relate and the licensee may, as a result of an amendment —
 - (a) determine or redetermine any water service charge for the period and for any subsequent period, as appropriate; and
 - (b) issue a bill for a water service charge or provide a rebate or refund, as appropriate.

68. Objections to entries in records

- (1) A person who is dissatisfied with records maintained by a licensee under regulation 65 and who is liable to a water service charge determined on the basis of the records may give the licensee a written objection to the records.
- (2) An objection must —
 - (a) be given within 42 days after the date of the bill for the water service charge; and
 - (b) describe the relevant land so as to identify it; and
 - (c) identify the part of the records objected to; and
 - (d) set out fully and in detail the grounds of objection.
- (3) The grounds upon which an objection may be made include that the relevant land is incorrectly classified for the purposes of determining the charge.

Water Services Regulations 2013

Water services

Part 4Water service charges: information and records, objections
and review**Division 9****r. 69**

-
- (4) A licensee may, for reasonable cause shown, extend the time within which the person may give the licensee an objection.
 - (5) The licensee must consider an objection as soon as practicable and may allow or disallow it, wholly or in part.
 - (6) The licensee must give the person by whom the objection was made written notice of the licensee's decision on the objection together with a brief statement of the licensee's reasons for the decision.
 - (7) If the licensee allows the objection, wholly or in part, the licensee must advise the person by whom the objection was made of any consequent amendment of the records.
 - (8) If the licensee disallows the objection, wholly or in part, the licensee must advise the person of the time within which and the manner in which a review of the decision may be sought.

69. SAT review of licensee's decision on objection

- (1) A person who is dissatisfied with the decision of a licensee on an objection made by that person may, within 42 days after the day on which notice of the decision of the licensee is given, give the licensee a notice requiring that the licensee refer the relevant records to the State Administrative Tribunal for a review.
- (2) A licensee may, for reasonable cause shown, extend the time within which the person may give the licensee the notice.
- (3) Upon receipt of such notice the licensee must promptly refer the relevant records to the State Administrative Tribunal for a review.

Water Services Regulations 2013**Part 4** Water services**Division 9** Water service charges: information and records, objections and review**r. 70**

- (4) The licensee is to effect the reference by forwarding the notice to the executive officer of the State Administrative Tribunal together with the objection and a copy certified by or on behalf of the licensee of —
- (a) the relevant records; and
 - (b) an explanation of the part of the records objected to.

70. SAT review of licensee's decision not to extend time for objection or review

- (1) A person who is dissatisfied with a decision of a licensee to refuse to extend the time for giving —
- (a) an objection to the licensee (under regulation 68(4)); or
 - (b) a notice requiring the licensee to refer the relevant records to the State Administrative Tribunal for a review (under regulation 69(2)),

may give the licensee a notice requiring the licensee to refer the decision to refuse to extend time to the State Administrative Tribunal for a review.

- (2) Upon receipt of such notice the licensee must promptly refer the decision to the State Administrative Tribunal for a review.
- (3) The licensee is to effect the reference by forwarding the notice to the executive officer of the State Administrative Tribunal together with the objection and a copy certified by or on behalf of the licensee of —
- (a) the decision to refuse to extend the time; and
 - (b) the reasons, if any, for the decision.

Water Services Regulations 2013

Water services

Part 4Water service charges: information and records, objections
and review**Division 9****r. 71****71. SAT may consider additional matters**

- (1) Upon a review by the State Administrative Tribunal on a reference under regulation 69 or 70, the State Administrative Tribunal may consider —
 - (a) grounds in addition to those stated in the notice of objection; and
 - (b) any additional explanation of the part of the records objected to; and
 - (c) any additional reasons given for the licensee's decision that is under review.
- (2) The State Administrative Tribunal is to ensure, by adjournment or otherwise, that each party and any other person entitled to be heard has a reasonable opportunity of properly considering and responding to any new ground, explanation or reason that the State Administrative Tribunal proposes to consider in accordance with subregulation (1).

72. Objections to or reviews of land valuations to be under *Valuation of Land Act 1978*

An objection to or review of a valuation of land for the purposes of a water supply charge must be made in accordance with the *Valuation of Land Act 1978*.

73. Objection not to affect liability to pay charges

The making of an objection to records maintained by a licensee under regulation 65 (including in respect of a valuation of land) does not affect the liability of a person to pay the water service charges concerned pending determination of the objection.

Water Services Regulations 2013**Part 4** Water services**Division 9** Water service charges: information and records, objections and review**r. 74**

74. Amending records after objection or review

- (1) A licensee must make any amendment of the records that is necessary as a consequence of the allowance, wholly or in part, of an objection under this Act or under the *Valuation of Land Act 1978* or as a consequence of a review by the State Administrative Tribunal.
- (2) The licensee must, if necessary as a consequence of the amendment to the records —
 - (a) determine or re-determine any water service charge; and
 - (b) if necessary, provide a rebate or refund.

75. Certain information to be available to tenants and others

- (1) If a person is liable, under an agreement with the owner of land, for payment of the whole or a portion of the water service charges that are payable to a licensee in respect of the land, the person is entitled to be given by the licensee all information necessary for the person to assess the person's liability under the agreement.
- (2) A request by a person for information under subregulation (1) must be made in a manner and form approved by the licensee.

Water Services Regulations 2013

Water use

Part 5**r. 76****Part 5 — Water use restrictions****76. Terms used**

In this Part —

Area means Area 1, Area 2, Area 3 or Area 4;

Area 1 means that part of the State that is north of the line —

- (a) starting at latitude -27.428° and longitude 114.063° ; and
- (b) extending to latitude -30.117° and longitude 117.081° ; and
- (c) extending to latitude -30.117° and longitude 128.993° ,

as illustrated for information purposes on the maps shown in Schedule 1;

Area 2 means that part of the State that is south of the line —

- (a) starting at latitude -27.428° and longitude 114.063° ; and
- (b) extending to latitude -30.117° and longitude 117.081° ; and
- (c) extending to latitude -30.117° and longitude 128.993° ,

except Area 3 or Area 4, as illustrated for information purposes on the maps shown in Schedule 1;

Area 3 means the area constituted by the local government districts of Armadale, Bassendean, Bayswater, Belmont, Cambridge, Canning, Claremont, Cockburn, Cottesloe, East Fremantle, Fremantle, Gosnells, Joondalup, Kalamunda, Kwinana, Mandurah, Melville, Mosman Park, Mundaring, Murray, Nedlands, Peppermint Grove, Perth, Rockingham, Serpentine-Jarrahdale, South Perth, Stirling, Subiaco, Swan, Victoria Park, Vincent and Wanneroo, as illustrated for information purposes on the maps shown in Schedule 1;

Area 4 means the area constituted by the local government districts of Albany, Augusta-Margaret River, Boyup Brook,

Water Services Regulations 2013**Part 5** Water use**r. 77**

Bridgetown-Greenbushes, Bunbury, Busselton, Capel, Collie, Cranbrook, Dardanup, Denmark, Donnybrook-Balingup, Harvey, Manjimup, Nannup, Plantagenet and Waroona, as illustrated for information purposes on the maps shown in Schedule 1;

evening period means the period after 6.00 p.m.;

garden does not include any indoor plants or plants growing inside a glasshouse;

high pressure water cleaner means a cleaning device that uses pressurised water flowing at a rate of not more than 6 L per minute;

lawn does not include a grass-covered sporting ground;

morning period means the period before 9.00 a.m.;

relevant property, in relation to the watering of a lawn, garden or grass-covered sporting ground, means the property on which the lawn, garden or grass-covered sporting ground is located;

scheme water means water supplied by a licensee that is a water corporation;

stage of restrictions means a stage of restrictions set out in Schedule 2;

synthetic sporting ground means a sporting ground that has a synthetic surface designed to be used after watering;

water use restrictions means a stage of restrictions, applicable under regulation 78 or 80, and any other restriction applicable under regulation 80;

week means a period of seven successive days beginning with Sunday.

Water Services Regulations 2013

Water use

Part 5**r. 77****77. Use of scheme water restricted**

- (1) A person must not use scheme water in contravention of the water use restrictions applicable under this Part.
Penalty: a fine of \$500.
- (2) A person does not commit an offence under subregulation (1) if the person's use of scheme water is covered by an exemption granted, in writing, by the licensee.
- (3) An exemption may be of a person or a class of person.
- (4) An exemption may be subject to conditions and is of no effect in relation to a person to whom it applies while the person is not complying with a condition to which it is subject.
- (5) Without limiting subregulation (4), conditions may do either or both of the following —
 - (a) impose a stage of restrictions;
 - (b) impose a restriction set out in a stage of restrictions.
- (6) If an exemption is subject to conditions that are inconsistent with an exception under regulation 79, the exception prevails to the extent of any inconsistency.

78. Stages of restrictions applicable to Areas

- (1) The stage of restrictions that applies in relation to the use of water in Area 1 is stage 2.
- (2) The stage of restrictions that applies in relation to the use of water in Area 2 is stage 4.
- (3) The stage of restrictions that applies in relation to the use of water in Area 3 is —
 - (a) from 1 June to 31 August in a year — stage 6; and
 - (b) at any other time of the year — stage 4.

Water Services Regulations 2013**Part 5** Water use**r. 79**

- (4) The stage of restrictions that applies in relation to the use of water in Area 4 is —
- (a) from 1 June to 31 August in a year — stage 6; and
 - (b) at any other time of the year — stage 4.

79. Exceptions

- (1) A person does not commit an offence under regulation 77 if —
- (a) in the course of the person's occupation in the turf, garden or landscaping industries, the person operates a reticulation system to the minimum extent necessary while the reticulation system is being installed, maintained, tested or repaired; or
 - (b) in the course of the person's occupation in the turf, garden or landscaping industries, the person waters a lawn, garden or grass-covered sporting ground immediately after —
 - (i) vertimowing; or
 - (ii) the application of a fertiliser or wetting agent;or
 - (c) the person waters a market garden or plant nursery to the minimum extent necessary to ensure the viable operation of the market garden or plant nursery; or
 - (d) the person waters a site as defined in the *Caravan Parks and Camping Grounds Act 1995* section 5(1) immediately after the site has been vacated by an occupier; or
 - (e) the person waters an aviary to the minimum extent necessary to maintain the birds in that aviary; or
 - (f) the person uses water to the extent necessary for fire fighting; or

Water Services Regulations 2013

Water use

Part 5**r. 80**

-
- (g) the person uses water to the minimum extent necessary for training for fire fighting.
 - (2) A local government does not commit an offence under regulation 77 in relation to the use of non-potable water.
 - (3) The exception in subregulation (1)(b) applies to the use of water in an area of the State unless the stage of restrictions that applies in relation to the area is stage 7.

80. Minister may impose further restrictions

- (1) The Minister may, by order published in the *Gazette*, impose further water use restrictions in relation to an area of the State if satisfied that, in relation to a water supply service in the area, the water use restrictions that apply in relation to the area under regulation 78 are inadequate to ensure that —
 - (a) there will be sufficient water to continue providing the service in the short term; or
 - (b) the quality of the service can be maintained in the short term.
- (2) An order may do either or both of the following —
 - (a) impose a stage of restrictions;
 - (b) impose a restriction set out in a stage of restrictions.
- (3) If an order imposes restrictions that are inconsistent with an exception under regulation 79 (other than under regulation 79(1)(f)) the order prevails to the extent of any inconsistency.
- (4) The Minister may, by order published in the *Gazette*, amend or revoke an order.

Water Services Regulations 2013**Part 5** Water use**r. 80**

- (5) An order made under this regulation takes effect from the day after the day on which the order is published in the *Gazette* or, if a later day is specified in the order, that day.
- (6) An order made under subregulation (1) expires on the 90th day after the day on which it takes effect, unless it expires or is revoked before that day.
- (7) The Minister must ensure that an order made under this regulation is tabled in each House of Parliament within 12 sitting days of its making.

Water Services Regulations 2013

Miscellaneous provisions

Part 6**r. 81****Part 6 — Miscellaneous provisions****81. Form and manner of applications**

A licensee to whom a person has applied for —

- (a) the provision of a water service; or
- (b) an approval under the Act; or
- (c) a thing to be done, or the provision of goods or services, as part of or in connection with the provision of a water service,

may refuse to deal with the application if it is not in a form and made in a manner approved by the licensee.

82. Interest accruing on unpaid amounts

If a provision of these regulations refers to interest accruing on an unpaid amount, interest accrues daily, on any part of the amount while it remains unpaid, at the rate of 12.83% per annum.

83. Recovery of costs in relation to lodging memorials under s. 128

- (1) In this regulation —

lodging fee means the fee prescribed under the *Transfer of Land Regulations 2004* for lodging a memorial under section 128 of the Act;

withdrawal fee means the fee prescribed under the *Transfer of Land Regulations 2004* for lodging a withdrawal of memorial under section 128 of the Act.

- (2) If a licensee lodges a memorial or withdrawal of memorial in relation to land under section 128 of the Act, the licensee may recover the amount set out in the Table from the owner of the

Water Services Regulations 2013**Part 6** Miscellaneous provisions**r. 83**

land and may seek an order for the recovery of the amount in a court of competent jurisdiction.

Table

Item	Description	Amount
1.	For a licensee other than the Bunbury Water Corporation or the Busselton Water Corporation — (a) for lodging a memorial (b) for lodging a withdrawal of memorial	 an amount equal to the lodging fee plus the cost of preparing the memorial an amount equal to the withdrawal fee plus the cost of preparing the withdrawal
2.	For the Bunbury Water Corporation — (a) for lodging a memorial (b) for lodging a withdrawal of memorial	 an amount equal to the lodging fee plus \$130.95 an amount equal to the withdrawal fee

Water Services Regulations 2013

Miscellaneous provisions

Part 6**r. 84**

Item	Description	Amount
3.	For the Busselton Water Corporation —	
	(a) for lodging a memorial	an amount equal to the lodging fee plus \$50.00
	(b) for lodging a withdrawal of memorial	an amount equal to the withdrawal fee plus \$50.00

84. Fees

Schedule 4 sets out various fees for the purposes of the Act.

85. Compliance notices

In addition to any other requirements as to the content of compliance notices, a compliance notice must include a brief description of —

- (a) the possible consequences under the Act of not complying with the notice; and
- (b) the rights of review under the Act in relation to the notice and who may apply for review.

86. Infringement notices

- (1) The offences specified in Schedule 5 Division 1 are offences for which an infringement notice may be issued under the *Criminal Procedure Act 2004* Part 2.
- (2) The modified penalty specified opposite an offence in Schedule 5 Division 1 is the modified penalty for that offence

Water Services Regulations 2013**Part 6** Miscellaneous provisions**r. 87**

for the purposes of the *Criminal Procedure Act 2004* section 5(3).

- (3) The CEO may, in writing, appoint persons or classes of persons to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.
- (4) The CEO must issue to each authorised officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.
- (5) The chief executive officer of a licensee that is a water corporation may, in writing, appoint employees or classes of employees to be authorised officers or approved officers for the purposes of the *Criminal Procedure Act 2004* Part 2.
- (6) Each licensee that appoints a person as an authorised officer under subregulation (5) must issue to the officer a certificate, badge or identity card identifying the officer as a person authorised to issue infringement notices.
- (7) A certificate of authority given to a person under section 210 of the Act has effect for the purposes of subregulation (4) or (6), whichever is relevant, if it meets the requirement in the subregulation.
- (8) For the purposes of the *Criminal Procedure Act 2004* Part 2, the forms set out in Schedule 5 Division 2 are prescribed.
- (9) Each licensee that is a water corporation must maintain a list of persons appointed under subregulation (5) and must, on request, give a copy of the list to the CEO or to the chief executive officer of the department of the Public Services principally assisting in the administration of the *Criminal Procedure Act 2004*.

Water Services Regulations 2013

Miscellaneous provisions

Part 6**r. 87****87. Giving notices or demands to unknown owner or occupier of land**

If a notice or demand may be given, or is required to be given, under the Act by a person to the owner or occupier of land and the name of the owner or occupier is not known to the person and no other provision is made for that contingency, the person need not name the owner or occupier in the notice or demand and may give it by —

- (a) posting it to the owner or occupier marked “To the owner” or “To the occupier”; or
- (b) giving it to a person apparently in occupation of the land; or
- (c) if the land is known to be unoccupied — fixing a copy of it to a conspicuous part of the land and publishing it in a newspaper usually circulating in the locality.

88. Form of warrants to enter

The form of warrant in Schedule 6 is prescribed for the purposes of section 189 of the Act.

89. Repeals

These regulations are repealed —

- (a) the *Water Agencies (Entry Warrant) Regulations 1985*;
- (b) the *Water Agencies (Infringements) Regulations 1994*;
- (c) the *Water Services Coordination Regulations 1996*.

Water Services Regulations 2013**Part 7** Transitional provisions**Division 1** Provisions for the Water Services Act 2012**r. 90**

Part 7 — Transitional provisions**Division 1 — Provisions for the *Water Services Act 2012*****90. Term used: commencement day**

In this Division —

commencement day means the day on which the *Water Services Act 2012* section 222 comes into operation.**91. Permits to discharge industrial waste**

(1) In this regulation —

permit means a permit to discharge industrial waste into a sewer of the Water Corporation under the *Country Towns Sewerage By-laws 1952* or the *Metropolitan Water Supply, Sewerage and Drainage By-laws 1981*.

(2) A person who held a permit immediately before commencement day is to be taken to have been given approval by the Water Corporation to discharge trade waste into the wastewater inlet or inlets into which the person was permitted to discharge industrial waste under the permit immediately before commencement day.

(3) The approval referred to in subregulation (2) is to be taken —

(a) to have been given under the Act on commencement day; and

(b) to be on the same terms and conditions as those to which the discharge of industrial waste under the permit was subject immediately before commencement day (to the extent not inconsistent with the Act).

Water Services Regulations 2013

Transitional provisions

Part 7

Provisions for the Water Services Act 2012

Division 1**r. 92****92. Memorials, subdivisional plans and diagrams under *Water Agencies (Powers) Act 1984*, *Water Boards Act 1904* and *Water Services Licensing Act 1995***

- (1) In this regulation —
Registrar has the meaning given in section 128(1) of the Act.
- (2) If a memorial under the *Water Agencies (Powers) Act 1984* section 67B, the *Water Boards Act 1904* section 62D or 108 or the *Water Services Licensing Act 1995* section 44F (the **relevant section**) was delivered to, or lodged with, the Registrar but not registered before commencement day, then the memorial is to be taken to have been lodged under section 128 of the *Water Services Act 2012* on the later of —
 - (a) commencement day; and
 - (b) the day on which the prescribed fee referred to in the relevant section is paid.
- (3) If a memorial under the *Water Agencies (Powers) Act 1984* section 67B, the *Water Boards Act 1904* section 62D or 108 or the *Water Services Licensing Act 1995* section 44F was registered and not withdrawn before commencement day, then the memorial has effect, and is to be treated as if it had been lodged and registered, under section 128 of the *Water Services Act 2012*.
- (4) If the *Water Agencies (Powers) Act 1984* section 67B or the *Water Boards Act 1904* section 62D —
 - (a) commenced to apply to land before commencement day because of a subdivisional plan or diagram deposited with the Registrar under that section; and
 - (b) had not ceased to apply to the land before commencement day,

Water Services Regulations 2013**Part 7** Transitional provisions**Division 1** Provisions for the Water Services Act 2012**r. 93**

then that section continues to apply, on and from commencement day, to the land, the relevant water corporation and the Registrar as if it had not been repealed, until it ceases to apply (under subsection (8) of that section).

(5) In subregulation (4) —

relevant water corporation, in relation to land and a class of water service, means the water corporation to whom the deferred amount is owed in relation to the land and the class of water service.

93. Entitlement to supply of or to take water under irrigation by-laws

(1) In this regulation —

irrigation by-laws means —

- (a) the *Carnarvon Irrigation District By-laws 1962*; and
- (b) the *Harvey, Waroona and Collie River Irrigation Districts By-laws 1975*; and
- (c) the *Ord Irrigation District By-laws 1963*; and
- (d) the *Water Agencies (Preston Valley Irrigation Services) By-laws 1969*.

(2) A person who, immediately before commencement day, has an entitlement (however described) under the irrigation by-laws to the supply of water or to take or divert water continues, under this clause, to be entitled to the supply of water or to take or divert water, on the same terms and conditions as those to which the person's entitlement immediately before commencement day was subject.

Water Services Regulations 2013

Transitional provisions

Part 7

Provisions for the Water Services Act 2012

Division 1**r. 94**

- (3) The person's entitlement under subregulation (2) may be amended or revoked on the same bases as those on which the person's entitlement immediately before commencement day could have been amended or revoked.
- (4) This regulation ceases to have effect on the fifth anniversary of the day on which it comes into operation.

94. Agreements under old provisions

An agreement (however described) entered into under an old provision for which there is no corresponding new provision continues in effect, according to its terms, to the extent to which that is consistent with the Act.

95. Objections and reviews under Part 4 Division 8

Without limiting Schedule 1 of the Act, the provisions of Part 4 Division 8 about objections to and reviews of decisions of licensees or records of licensees are, where relevant, to have effect in relation to records maintained, bills for charges issued, objections and notices given and decisions and references made, before commencement day, as if those things, and any other related acts, matters and things, were done or maintained under or for the purposes of the provisions of Part 4 Division 8.

96. Plans for drainage works of the Water Corporation

The plans listed in the Table and endorsed by the CEO on the date specified are identified for the purposes of Schedule 1 clause 14(1)(b) of the Act.

Table

Title of plan	Date
Albany Drainage District	5 July 2013

Water Services Regulations 2013**Part 7** Transitional provisions**Division 1** Provisions for the Water Services Act 2012**r. 96**

Title of plan	Date
Busselton Drainage District	5 July 2013
Harvey Drainage District	5 July 2013
Mundijong Drainage District	5 July 2013
Roelands Drainage District	5 July 2013
Waroona Drainage District	5 July 2013

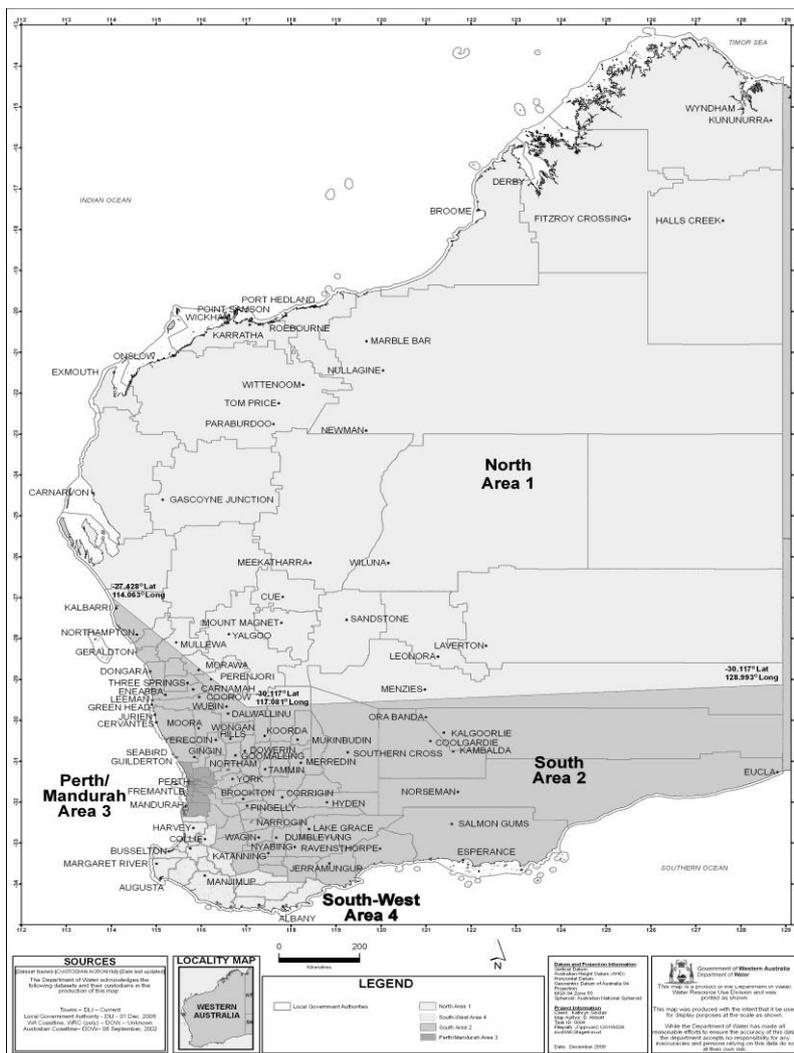
Note: The plans are accessible on the Department's website.

Water Services Regulations 2013

Water use restrictions: maps showing Areas 1, 2, 3 and 4 Schedule 1

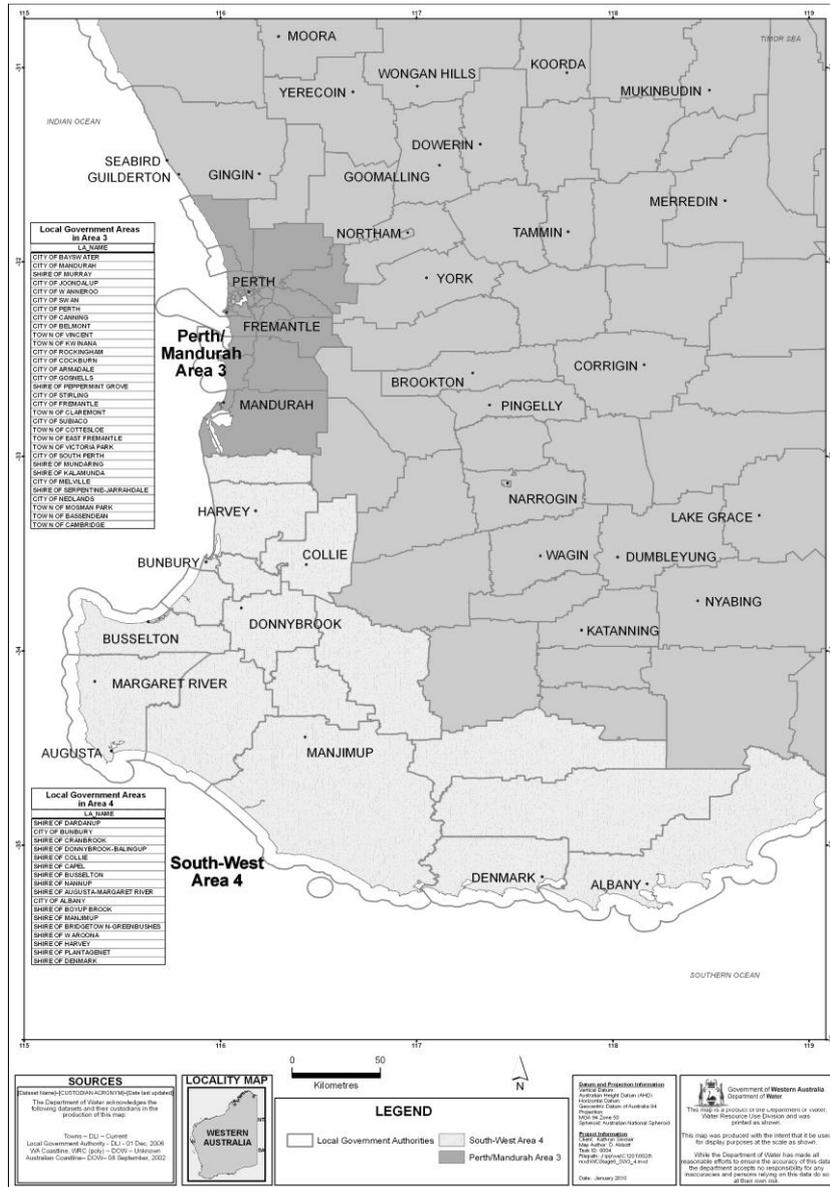
Schedule 1 — Water use restrictions: maps showing Areas 1, 2, 3 and 4

[r. 76]



Water Services Regulations 2013

Schedule 1 Water use restrictions: maps showing Areas 1, 2, 3 and 4



Water Services Regulations 2013Water use restrictions: stages of restrictions **Schedule 2****cl. 1****Schedule 2 — Water use restrictions: stages of restrictions**

[r. 76]

1. Stage 1

- (1) A person must not water a lawn, garden or grass-covered sporting ground except by —
 - (a) reticulation during either, but not both, the morning period or the evening period on a particular day; or
 - (b) a handheld hose with one outlet; or
 - (c) a handheld watering can.
- (2) A person must not water a synthetic sporting ground except for 10 minutes or less before a sport is played or practised on the sporting ground.

2. Stage 2

- (1) A person must not water a lawn, garden or grass-covered sporting ground except by —
 - (a) reticulation during either, but not both, the morning period or the evening period —
 - (i) on any even numbered day of the month if the relevant property has an even street number or, where there is no street number, an even lot number; or
 - (ii) on any odd numbered day of the month if the relevant property has an odd street number or, where there is no street number, an odd lot number;or
 - (b) a handheld hose with one outlet; or
 - (c) a handheld watering can.

Water Services Regulations 2013**Schedule 2** Water use restrictions: stages of restrictions**cl. 3**

- (2) A person must not spray a building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road except —
- (a) with —
 - (i) a high pressure water cleaner; or
 - (ii) a handheld hose with one outlet,
to the minimum extent necessary for the cleaning of the building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road so as to avoid a threat to public health or safety; or
 - (b) with a handheld 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.
- (3) A person must not water a synthetic sporting ground except for 10 minutes or less before a sport is played or practised on the sporting ground.

3. Stage 3

- (1) A person must not water a lawn, garden or grass-covered sporting ground except by —
- (a) reticulation during either, but not both, the morning period or the evening period on one or more of 3 days of the week specified in relation to the relevant property in Schedule 3 clause 1; or
 - (b) a handheld hose with one outlet; or
 - (c) a handheld watering can.
- (2) A person must not spray a building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road except —
- (a) with —
 - (i) a high pressure water cleaner; or
 - (ii) a handheld hose with one outlet,

Water Services Regulations 2013Water use restrictions: stages of restrictions **Schedule 2****cl. 4**

to the minimum extent necessary for the cleaning of the building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road so as to avoid a threat to public health or safety; or

- (b) with a handheld 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.
- (3) A person must not water a synthetic sporting ground except for 10 minutes or less before a sport is played or practised on the sporting ground.

4. Stage 4

- (1) 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 or both of 2 days of the week specified in relation to the relevant property in Schedule 3 clause 2; or
 - (b) a handheld hose with one outlet; or
 - (c) a handheld watering can.
- (2) A person must not water a grass-covered sporting ground except by —
 - (a) reticulation during either, but not both, the morning period or the evening period on one or more of 3 days of the week specified in relation to the relevant property in Schedule 3 clause 1; or
 - (b) a handheld hose with one outlet; or
 - (c) a handheld watering can.

Water Services Regulations 2013**Schedule 2** Water use restrictions: stages of restrictions**cl. 5**

- (3) A person must not spray a building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road except —
- (a) with —
 - (i) a high pressure water cleaner; or
 - (ii) a handheld hose with one outlet,
to the minimum extent necessary for the cleaning of the building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road so as to avoid a threat to public health or safety; or
 - (b) with a handheld 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 water a synthetic sporting ground except for 10 minutes or less before a sport is played or practised on the sporting ground.

5. Stage 5

- (1) 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 day of the week specified in relation to the relevant property in Schedule 3 clause 3; or
 - (b) a handheld hose with one outlet; or
 - (c) a handheld watering can.
- (2) A person must not water a grass-covered sporting ground except by —
- (a) reticulation during either, but not both, the morning period or the evening period on one or more of 3 days of the week specified in relation to the relevant property in Schedule 3 clause 1; or
 - (b) a handheld hose with one outlet; or
 - (c) a handheld watering can.

Water Services Regulations 2013Water use restrictions: stages of restrictions **Schedule 2****cl. 6**

-
- (3) A person must not spray a building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road except —
- (a) with —
 - (i) a high pressure water cleaner; or
 - (ii) a handheld hose with one outlet,
to the minimum extent necessary for the cleaning of the building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road so as to avoid a threat to public health or safety; or
 - (b) with a handheld 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 water a synthetic sporting ground except for 10 minutes or less before a sport is played or practised on the sporting ground.

6. Stage 6

- (1) A person must not water a lawn or garden except by —
- (a) a handheld hose with one outlet; or
 - (b) a handheld watering can.
- (2) A person must not water a grass-covered sporting ground except by —
- (a) reticulation during either, but not both, the morning period or the evening period on one or more of 3 days of the week specified in relation to the relevant property in Schedule 3 clause 1; or
 - (b) a handheld hose with one outlet; or
 - (c) a handheld watering can.

Water Services Regulations 2013**Schedule 2** Water use restrictions: stages of restrictions**cl. 7**

- (3) A person must not spray a building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road except —
- (a) with —
 - (i) a high pressure water cleaner; or
 - (ii) a handheld hose with one outlet,
to the minimum extent necessary for the cleaning of the building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road so as to avoid a threat to public health or safety; or
 - (b) with a handheld 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 —
- (a) to replace water lost from the pool through evaporation or ordinary use; and
 - (b) to the minimum extent necessary for the proper functioning of the pool.
- (5) A person must not water a synthetic sporting ground except for 10 minutes or less before a sport is played or practised on the sporting ground.

7. Stage 7

- (1) A person must not water a lawn, garden, grass-covered sporting ground or synthetic sporting ground except by a handheld watering can.
- (2) A person must not spray a building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road except —
- (a) with —
 - (i) a high pressure water cleaner; or
 - (ii) a handheld hose with one outlet,

Water Services Regulations 2013Water use restrictions: stages of restrictions **Schedule 2****cl. 7**

to the minimum extent necessary for the cleaning of the building, building site, demolition site (including vacant land resulting from a demolition), path, paved area or road so as to avoid a threat to public health or safety; or

- (b) with a handheld 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.
- (3) A person must not fill a swimming pool.
- (4) A person must not wash a motor vehicle except —
- (a) to the minimum extent necessary to enable the vehicle to be driven safely; and
 - (b) by using a bucket of water and a cloth.

Water Services Regulations 2013**Schedule 3** Water use restrictions: specified days for watering by reticulation**cl. 1****Schedule 3 — Water use restrictions: specified days for watering by reticulation**

[r. 76 and Sch. 2 cl. 3, 4, 5 and 6]

1. Specified days for Schedule 2: 3 watering days per week

The following days are specified for the purposes of Schedule 2 clauses 3(1)(a), 4(2)(a), 5(2)(a) and 6(2)(a).

Table

Last digit of property's street number or, where there is no street number, lot number	Days for watering by reticulation
1	Monday, Wednesday and Saturday
2	Sunday, Tuesday and Thursday
3	Monday, Wednesday and Friday
4	Tuesday, Thursday and Saturday
5	Sunday, Wednesday and Friday
6	Monday, Thursday and Saturday
7	Sunday, Tuesday and Friday
8	Monday, Wednesday and Saturday
9	Sunday, Tuesday and Thursday
0	Monday, Wednesday and Friday

Water Services Regulations 2013

Water use restrictions: specified days for watering by reticulation **Schedule 3**

cl. 2**2. Specified days for Schedule 2: 2 watering days per week**

The following days are specified for the purposes of Schedule 2 clause 4(1)(a).

Table

Last digit of property's street number or, where there is no street number, lot number	Days for watering by reticulation
1	Wednesday and Saturday
2	Sunday and Thursday
3	Monday and Friday
4	Tuesday and Saturday
5	Sunday and Wednesday
6	Monday and Thursday
7	Tuesday and Friday
8	Wednesday and Saturday
9	Sunday and Thursday
0	Monday and Friday

Water Services Regulations 2013

Schedule 3 Water use restrictions: specified days for watering by reticulation

cl. 3**3. Specified days for Schedule 2: 1 watering day per week**

The following days are specified for the purposes of Schedule 2 clause 5(1)(a).

Table

Last digit of property's street number or, where there is no street number, lot number	Day for watering by reticulation
1	Wednesday
2	Thursday
3	Friday
4	Saturday
5	Sunday
6	Monday
7	Tuesday
8	Wednesday
9	Thursday
0	Friday

Water Services Regulations 2013Fees **Schedule 4**

cl. 1

Schedule 4 — Fees

[r. 84]

1. General fees applicable in relation to all licensees

- (1) The fees set out in the Table are payable in respect of the matters set out in the Table.

Table

Item	Description	Fee
1.	Application for a licence under section 10 of the Act	\$500.00
2.	Application for the renewal of a licence under section 13 of the Act	\$1.00
3.	Application for the transfer of a licence under section 15 of the Act	\$1.00
4.	Dealing with a notice of proposed construction or alteration under section 82 of the Act, in relation to land in the metropolitan area —	
	(a) to construct or alter a dwelling	\$117.80 per dwelling unit
	(b) to construct or alter a building in the area associated with a dwelling (including a pool, garage or pergola), if the land is sewerred	\$34.40 per building
	(c) to construct or alter a building other than a dwelling or building covered by paragraph (a) or (b), where the cost of construction or alteration, as assessed by the licensee, is —	
	up to \$22 500	\$31.00
	over \$22 500 but not more than \$200 000	\$106.00

Water Services Regulations 2013**Schedule 4 Fees****cl. 1**

Item	Description	Fee
	over \$200 000 but not more than \$500 000 ..	\$420.00
	over \$500 000 but not more than \$1 000 000	\$680.00
	over \$1 000 000 but not more than \$10 000 000	\$1.10 per \$1 000 (or part \$1 000) of construction costs
	over \$10 000 000	\$11 000 + \$0.30 per \$1 000 (or part thereof) of construction costs above \$10 000 000
5.	Dealing with a notice of proposed construction, alteration or demolition under section 82 of the Act, in relation to land not in the metropolitan area — (a) to construct or alter a dwelling	\$117.80 per dwelling unit
	(b) to construct or alter a building in the area associated with a dwelling (including a pool, garage or pergola), if the land is sewerred	\$34.40 per building

Water Services Regulations 2013Fees **Schedule 4****cl. 2**

Item	Description	Fee
	(c) to construct or alter a building other than a dwelling or building covered by paragraph (a) or (b), where the cost of construction or alteration (as assessed by the licensee) is —	
	up to \$22 500	\$25.00
	over \$22 500 but not more than \$200 000	\$85.00
	over \$200 000 but not more than \$500 000 ..	\$330.00
	over \$500 000 but not more than \$1 000 000	\$550.00
	over \$1 000 000 but not more than \$10 000 000	\$0.90 per \$1 000 (or part \$1 000) of construction costs
	over \$10 000 000	\$9 000 + \$0.25 per \$1 000 (or part \$1 000) of construction costs above \$10 000 000

- (2) For the purposes of subclause (1) items 4 and 5, land is seweraged if a wastewater inlet on the land is connected to a sewer of a licensee, or could be connected if the owner or occupier of the land chose to.

2. Fees applicable in relation to the water corporations: s. 95

The fees for the purposes of section 95 of the Act are as set out in the Table.

Water Services Regulations 2013**Schedule 4 Fees****cl. 2****Table**

Item	Description	Fee
In relation to the Water Corporation		
1.	Restoring a supply of water to land after it has been cut off	\$146.00
2.	Restoring a supply of water to land after the rate of flow has been reduced — (a) between 7.00 a.m. and 4.00 p.m. any day except a Saturday, Sunday or public holiday	\$146.00
	(b) at any other time	\$232.00
In relation to the Bunbury Water Corporation		
3.	Restoring a supply of water to land after it has been cut off	\$244.10
4.	Restoring a supply of water to land after the rate of flow has been reduced	\$244.10
In relation to the Busselton Water Corporation		
5.	Restoring a supply of water to land after it has been cut off	\$273.00
6.	Restoring a supply of water to land after the rate of flow has been reduced	\$27.00

Water Services Regulations 2013
Prescribed offences and modified **Schedule 5**
Prescribed offences and modified penalties **Division 1**

Schedule 5 — Prescribed offences and modified penalties

[r. 86]

Division 1 — Prescribed offences and modified penalties

	Offences	Modified penalty
r. 24(1)	Access to meters	\$100
r. 24(2)	Branches or fittings within 1 m of meter	\$100
r. 53(2)	Licensed plumbing contractors to give drainage diagrams to licensee	\$100
r. 77	Use of scheme water in contravention of restrictions	\$100

Water Services Regulations 2013**Schedule 5** Prescribed offences and modified**Division 2** Prescribed offences and modified penalties: forms**Division 2 — Prescribed offences and modified penalties: forms****Form 1 — Infringement notice**

<i>Water Services Act 2012</i> <i>Water Services Regulations 2013</i> INFRINGEMENT NOTICE		Infringement notice no.
Alleged offender	Name	
	Address	
Details of alleged offence [*Delete whichever is not applicable]	Date or period	
	Place	
	Written law contravened	*Section of the <i>Water Services Act 2012</i> or *Regulation of the <i>Water Services Regulations 2013</i>
	Details of offence ¹	
Date of issue	Date of issue	
Issuing officer	Name	
	Office	
	Signature	
Modified penalty	\$	

Water Services Regulations 2013Prescribed offences and modified **Schedule 5**Prescribed offences and modified penalties: forms **Division 2**

Penalty	Individual	\$	You do not have to pay this amount. This is the maximum fine that can be imposed if you are prosecuted in a court and convicted of this offence.
	Body corporate	\$	
TAKE NOTICE	<p>It is alleged that you have committed the above offence.</p> <p>If you do not want to be prosecuted in court for the offence, pay the modified penalty to an Approved Officer within 28 days after the date of this notice.</p> <p>If you do not pay the modified penalty within the 28 days, you may be prosecuted or enforcement action may be taken under the <i>Fines, Penalties and Infringement Notices Enforcement Act 1994</i>. Under that Act, some or all of the following action may be taken — your driver's licence may be suspended; your vehicle licence may be suspended or cancelled; your details may be published on a website; your vehicle may be immobilised or have its number plates removed; and your property may be seized and sold.</p> <p>If you need more time to pay the modified penalty, you should contact the Approved Officer at the address below.</p> <p>Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case.</p> <p>If you want this matter to be dealt with by prosecution in court, sign and date here:</p> <p>_____ / /20</p> <p>and post this notice to the Approved Officer at the address below within 28 days after the date of this notice.</p> <p>If you consider that you have good reason to have this notice withdrawn, you can write to the Approved Officer at the address below requesting that this notice be withdrawn</p>		

Water Services Regulations 2013**Schedule 5** Prescribed offences and modified**Division 2** Prescribed offences and modified penalties: forms

	and setting out why you consider that this notice should be withdrawn. Your letter must be received not later than 28 days after the date of this notice.		
How to pay	By post		
	Tick the relevant box below and post this notice to: Approved Officer — <i>Water Services Act 2012</i> [Address]		
	<input type="checkbox"/> I want to pay the modified penalty. A cheque or money order (payable to Approved Officer — <i>Water Services Act 2012</i>) for the modified penalty is enclosed. <input type="checkbox"/> I want to pay the modified penalty by credit card. Please debit my credit card account. ² [details ³]		
	Complete all details		
	In person²		
	Pay the cashier at: [Address]		
	Electronically²		
	[details ³]		
Method of service²		Date of service	

Notes to Form —

1. The details should say what the alleged offender has done that is considered to be a contravention of the law.
2. Delete this option if not applicable.
3. Include here, when applicable, details of how a payment may be made electronically.

Water Services Regulations 2013
 Prescribed offences and modified **Schedule 5**
 Prescribed offences and modified penalties: forms **Division 2**

Form 2 — Withdrawal of infringement notice

<i>Water Services Act 2012</i> <i>Water Services Regulations 2013</i> WITHDRAWAL OF INFRINGEMENT NOTICE		Infringement notice no.
Alleged offender	Name	
	Address	
Details of infringement notice	Infringement notice no.	
	Date of issue	
Details of alleged offence <i>[*Delete whichever is not applicable]</i>	Date or period	
	Place	
	Written law contravened	*Section of the <i>Water Services Act 2012</i> or *Regulation of the <i>Water Services Regulations 2013</i>
	Details of offence	
Approved Officer withdrawing notice	Name	
	Office	
	Signature	

Water Services Regulations 2013**Schedule 5** Prescribed offences and modified**Division 2** Prescribed offences and modified penalties: forms

Date	Date of withdrawal	
<p>Withdrawal of infringement notice</p> <p><i>[*Delete whichever is not applicable]</i></p>		<p>The above infringement notice issued against you for the above alleged offence has been withdrawn.</p> <p>If you have already paid the modified penalty for the alleged offence, you are entitled to a refund.</p> <p style="padding-left: 40px;">*Your refund is enclosed</p> <p>or</p> <p style="padding-left: 40px;">*If you have paid the modified penalty but a refund is not enclosed, you may claim your refund by signing and dating this notice and posting it to:</p> <p style="padding-left: 40px;">Approved Officer — <i>Water Services Act 2012</i></p> <p style="padding-left: 40px;">[Address]</p> <p>Your signature Date</p>

Water Services Regulations 2013
Form of warrant to enter **Schedule 6**

Schedule 6 — Form of warrant to enter

[r. 88]

Form of warrant to enter: s. 189

<i>Water Services Act 2012</i> s. 188		Warrant to enter a place	
Applicant's details	Name		
	Official title		
Authorising or designating authority of applicant			
Application	The applicant has applied under the <i>Water Services Act 2012</i> s. 185 to me, a Justice of the Peace, for a warrant to enter a place and there perform certain functions.		
Warrant	This warrant authorises the applicant, or another person authorised for this purpose by the authorising or designating authority, to enter the place and perform the functions specified in this warrant.		
Place to be entered ¹			
Functions to be performed on entry ²			
Execution period ³	This warrant may be executed between [date] and [date].		
Issuing details	Name of JP		
	Date	Time	
JP's signature	Issued by me on the above date and at the above time. Justice of the Peace		

Water Services Regulations 2013**Schedule 6** Form of warrant to enter

Execution details ⁴	Start	Date:	Time:	End	Date:	Time:
	Occupier present? Yes/No					
	Search audiovisually recorded? Yes/No					
	Brief details of any vehicles, machinery and significant equipment used in the entry or in the performance of the functions:					
Details of other persons authorised (under the <i>Water Services Act 2012</i> s. 179) to assist the authorised person in the entry or in the performance of the functions:						
Person in charge of execution	Name					
	Official title					

Notes to Form —

1. State the address or geographical location of the place to be entered.
2. Include references to provisions of the Act or regulations for the purposes of which the entry is to be made.
3. This period cannot exceed 12 months (see the *Water Services Act 2012* s. 189(d)).
4. If the place is entered more than once under the warrant, these details must be completed for each entry, and attached to the warrant.

N. HAGLEY, Clerk of the Executive Council.

Western Australia

Water Services (Water Corporations Charges) Regulations 2013

Contents

Part 1 — Preliminary

1. Citation
2. Commencement
3. Terms used

Part 2 — General provisions

4. How to calculate charges based on volumetric ranges
5. Annual charges and pro rata annual charges

Part 3 — Charges in relation to Bunbury Water Corporation

6. Terms used
7. Water supply charges
8. Miscellaneous charges
9. Concessions
10. Interest accruing on overdue amounts

Part 4 — Charges in relation to Busselton Water Corporation

11. Terms used
12. Water supply charges
13. Miscellaneous charges
14. Concessions
15. Interest accruing on overdue amounts

Water Services (Water Corporations Charges) Regulations 2013

Contents

**Part 5 — Charges in relation to the
Water Corporation**

- 16. Terms used
- 17. Central business districts
- 18. Effect of charges under *Water Agencies (Charges)
By-laws 1987*
- 19. Miscellaneous charges

**Schedule 1 — Charges in relation to
Bunbury Water Corporation**

Division 1 — Annual charges

Division 2 — Quality/quantity charges

Division 3 — Miscellaneous charges

**Schedule 2 — Charges in relation to
Busselton Water Corporation**

Division 1 — Annual charges

Division 2 — Quality/quantity charges

Division 3 — Miscellaneous charges

**Schedule 3 — Miscellaneous charges
in relation to the Water
Corporation**

Water Services Act 2012

Water Services (Water Corporations Charges) Regulations 2013

Made by the Governor in Executive Council.

Part 1 — Preliminary

1. Citation

These regulations are the *Water Services (Water Corporations Charges) Regulations 2013*.

2. Commencement

These regulations come into operation on the day on which the *Water Services Act 2012* section 222 comes into operation.

3. Terms used

In these regulations —

Commonwealth seniors health card has the meaning given in the *Rates and Charges (Rebates and Deferments) Act 1992* section 3(1);

lot has the meaning given in the *Planning and Development Act 2005* section 4(1), and includes a lot in relation to a strata scheme, a lot in relation to a survey-strata scheme and a lot shown as common property on a survey-strata plan, as those terms are defined in the *Strata Titles Act 1985* section 3(1);

multi-unit development has the meaning given in the *Water Services Regulations 2013* regulation 3(1);

registered pensioner, in relation to land, means an eligible pensioner, as defined in the *Rates and Charges (Rebates and Deferments) Act 1992* section 3(1), whose entitlement as regards the land is registered under that Act;

Water Services (Water Corporations Charges) Regulations 2013**Part 1** Preliminary**r. 3**

registered senior, in relation to land, means an eligible senior, as defined in the *Rates and Charges (Rebates and Deferments) Act 1992* section 3(1), whose entitlement as regards the land is registered under that Act;

water supply connection has the meaning given in the *Water Services Regulations 2013* regulation 3(1).

Water Services (Water Corporations Charges) Regulations 2013

General provisions

Part 2**r. 4****Part 2 — General provisions****4. How to calculate charges based on volumetric ranges**

If a range of volumes is set out in an item in a Schedule as part of determining a quality/quantity charge in accordance with the quantity of water or waste water supplied, discharged or drained, then the charge is to be calculated using the method applied in the example.

Example:

The charge for each kilolitre of water supplied in a year is —

up to 150 kL	\$0.50
over 150 but not over 250 kL	\$1.00
over 250 kL	\$1.20

For the supply of 300 kL of water in the year the charge is calculated as follows —

$150 \times \$0.50 = \75.00	(for the first 150 kL)
$100 \times \$1.00 = \100.00	(for the next 100 kL)
$50 \times \$1.20 = \60.00	(for the next 50 kL)
total charge = \$235.00	

5. Annual charges and pro rata annual charges

- (1) A water service charge, other than a quality/quantity charge, that applies in respect of land for a financial year applies for the whole year, even if the charge is prescribed after the commencement of the year.
- (2) If, part of the way through a financial year, there is a change in circumstances in relation to land that means that there is a change in the water service charges that apply in respect of the land, the charges for the year are to be calculated on a pro rata basis.

Water Services (Water Corporations Charges) Regulations 2013**Part 2** General provisions**r. 5**

- (3) Without limiting subregulation (2), a change of circumstances includes —
- (a) land becoming or ceasing to be land in respect of which a water service charge applies;
 - (b) the installation of a meter or a change in the size of a meter.

Water Services (Water Corporations Charges) Regulations 2013
Charges in relation to Bunbury Water Corporation **Part 3**

r. 6

Part 3 — Charges in relation to Bunbury Water Corporation

6. Terms used

In this Part —

consumption year, in relation to land, means a period, of the type described in the definition of *year* paragraph (b), determined for the land;

non-residential lot means a lot that is not a residential lot;

residential lot means a lot used wholly or primarily for the purpose of providing residential accommodation to the owner or occupier of the lot;

year, preceded by a reference to 2 calendar years (for example, 2014/15), means —

- (a) in relation to a water service charge other than a quality/quantity charge — the financial year ending on 30 June in the second of those years; and
- (b) in relation to a quality/quantity charge for a water service provided in respect of land — the period determined by the Bunbury Water Corporation for the land, commencing on a day that is between 1 July and 31 October in the first of the years and ending on a day that is within 10 days of the expiration of one year after the commencement of the period.

7. Water supply charges

The water service charges set out in Schedule 1 Divisions 1 and 2 apply, in accordance with the Schedule, in respect of land in respect of which a water supply service is provided by the Bunbury Water Corporation.

Water Services (Water Corporations Charges) Regulations 2013**Part 3** Charges in relation to Bunbury Water Corporation**r. 8**

8. Miscellaneous charges

- (1) Schedule 1 Division 3 sets out charges (payable in advance) for certain things done, or goods and services provided, by the Bunbury Water Corporation as part of or incidental to the provision of a water service.
- (2) The Bunbury Water Corporation may reduce or waive a charge for a matter in a particular case, or generally, if it considers that to be appropriate.

9. Concessions

- (1) The following concessions on charges under this Part apply —
 - (a) for a person who is a registered senior in relation to land and who does not hold a Commonwealth seniors health card —
 - (i) a 25% rebate on charges under Schedule 1 item 2 (service charges) applying to the land; and
 - (ii) a 50% rebate on charges under Schedule 1 item 5 (consumption charges) applying to the land, for the first 150 kL of water supplied to the land in the consumption year to which the charges relate;
 - (b) for a person who is a registered senior in relation to land and who holds a Commonwealth seniors health card —
 - (i) a 50% rebate on charges under Schedule 1 item 2 (service charges) applying to the land; and
 - (ii) a 50% rebate on charges under Schedule 1 item 5 (consumption charges) applying to the land, for the first 150 kL of water supplied to the land in the consumption year to which the charges relate;

Water Services (Water Corporations Charges) Regulations 2013
Charges in relation to Bunbury Water Corporation **Part 3**

r. 10

-
- (c) for a person who is a registered pensioner in relation to land —
- (i) a 50% rebate on charges under Schedule 1 item 2 (service charges) applying to the land; and
 - (ii) a 50% rebate on charges under Schedule 1 item 5 (consumption charges) applying to the land, for the first 350 kL of water supplied to the land in the consumption year to which the charges relate.
- (2) If, for a charged period, a person to whom subregulation (1) applies is not covered by just one paragraph of that subregulation for the whole of the period then concessions are to be determined pro rata.
- (3) In subregulation (2) —
- charged period*** means the period to which an invoice for a charge under this Part applies.

10. Interest accruing on overdue amounts

If an amount payable under this Part is overdue, interest accrues daily on any part of that amount unpaid after the day on which the amount was due, at the rate of 10% per annum.

Water Services (Water Corporations Charges) Regulations 2013**Part 4** Charges in relation to Busselton Water Corporationr. 11

Part 4 — Charges in relation to Busselton Water Corporation**11. Terms used**

In this Part —

fire service connection means a water supply connection provided exclusively for the purposes of fighting fires;

non-residential lot means a lot that is neither a residential lot nor vacant land;

residential lot means a lot used wholly or primarily for the purpose of providing residential accommodation to the owner or occupier of the lot;

vacant land means land that is wholly unimproved apart from having merged improvements, as defined in the *Valuation of Land Act 1978* section 4(1);

year, preceded by a reference to 2 calendar years (for example, 2014/15), means —

- (a) in relation to a water service charge other than a quality/quantity charge — the financial year ending on 30 June in the second of those years; and
- (b) in relation to a quality/quantity charge for a water service provided in respect of land — is the period determined by the Busselton Water Corporation for the land, commencing on a day that is between 1 July and 31 October in the first of the years and ending on a day that is within 10 days of the expiration of one year after the commencement of the period.

12. Water supply charges

- (1) The water service charges set out in Schedule 2 Divisions 1 and 2 apply, in accordance with the Schedule, in respect of land

Water Services (Water Corporations Charges) Regulations 2013
Charges in relation to Busselton Water Corporation **Part 4**

r. 13

in respect of which a water supply service is provided by the Busselton Water Corporation.

- (2) If the Busselton Water Corporation is satisfied that it is practicable for water supply works of the Busselton Water Corporation to be connected to a water supply outlet on land then, for the purposes of subregulation (1), a water supply service is to be taken to be provided in respect of the land by the Busselton Water Corporation, even though the land is not connected to water supply works of the Busselton Water Corporation.

13. Miscellaneous charges

- (1) Schedule 2 Division 3 sets out charges (payable in advance) for certain things done, or goods and services provided, by the Busselton Water Corporation as part of or incidental to the provision of a water service.
- (2) The Busselton Water Corporation may reduce or waive a charge for a matter in a particular case, or generally, if it considers that to be appropriate.

14. Concessions

- (1) The following concessions on charges under this Part apply —
 - (a) for a person who is a registered senior in relation to land and who does not hold a Commonwealth seniors health card —
 - (i) a 25% rebate on charges under Schedule 2 item 2 (service charges) applying to the land; and
 - (ii) a 50% rebate on charges under Schedule 2 item 7 (consumption charges) applying to the land, for the first 150 kL of water supplied to the land in the consumption year to which the charges relate;

Water Services (Water Corporations Charges) Regulations 2013**Part 4** Charges in relation to Busselton Water Corporation**r. 15**

- (b) for a person who is a registered senior in relation to land and who holds a Commonwealth seniors health card —
 - (i) a 50% rebate on charges under Schedule 2 item 2 (service charges) applying to the land; and
 - (ii) a 50% rebate on charges under Schedule 2 item 7 (consumption charges) applying to the land, for the first 150 kL of water supplied to the land in the consumption year to which the charges relate;
 - (c) for a person who is a registered pensioner in relation to land —
 - (i) a 50% rebate on charges under Schedule 2 item 2 (service charges) applying to the land; and
 - (ii) a 50% rebate on charges under Schedule 2 item 7 (consumption charges) applying to the land, for the first 350 kL of water supplied to the land in the consumption year to which the charges relate.
- (2) If, for a charged period, a person to whom subregulation (1) applies is not covered by just one paragraph of that subregulation for the whole of the period then concessions are to be determined pro rata.
- (3) In subregulation (2) —
charged period means the period to which an invoice for a charge under this Part applies.

15. Interest accruing on overdue amounts

If an amount payable under this Part is overdue, interest accrues daily on any part of that amount unpaid after the day on which the amount was due, at the rate of 12% per annum.

Water Services (Water Corporations Charges) Regulations 2013
Charges in relation to the Water Corporation **Part 5**

r. 16

Part 5 — Charges in relation to the Water Corporation

16. Terms used

In this Part —

central business districts means the districts defined in regulation 17;

metropolitan area has the meaning given in the *Water Services Regulations 2013* regulation 3(1);

sewer junction has the meaning given in the *Water Services Regulations 2013* regulation 3(1).

17. Central business districts

- (1) The central business districts are the districts defined in subregulations (2) and (3).
- (2) The Fremantle central business district is the land bounded by a line commencing at the intersection of Marine Terrace and South Street and proceeding then in a general northwesterly and westerly direction to Cliff Street, then generally northerly along Cliff Street to Phillimore Street, then northwesterly along Phillimore Street, Elder Place and Beach Street to the Fremantle traffic bridge, then generally easterly along Beach Street and Riverside Road to East Street, then southerly along East Street to High Street, then southwesterly along High Street to Ord Street, then southerly along Ord Street and Hampton Road to South Street, then westerly along South Street to the intersection of South Street and Marine Terrace.
- (3) The Perth central business district is the land bounded by a line commencing at the intersection of Kings Park Road, Thomas Street and Bagot Road and proceeding then in a westerly direction along Bagot Road to Railway Road, then northeasterly to Roberts Road, then easterly to Thomas Street, then

Water Services (Water Corporations Charges) Regulations 2013**Part 5** Charges in relation to the Water Corporation**r. 18**

northeasterly along Thomas Street and Loftus Street to Newcastle Street, then southeasterly along Newcastle Street to the Perth Midland railway reserve, then northeasterly and easterly along the Perth Midland and Perth Armadale railway reserves to the western foreshore of the Swan River, then generally southerly and southwesterly along the western foreshore of the Swan River and the service road adjacent to the eastern boundary of Trinity College to Riverside Drive, then generally westerly along Riverside Drive and Mounts Bay Road to Spring Street, then northwesterly along Spring Street to Mount Street, then southwesterly along Mount Street to Cliff Street, then northwesterly along Cliff Street to Malcolm Street, then southwesterly along Malcolm Street to Kings Park Road, then westerly along Kings Park Road to the intersection of Kings Park Road, Thomas Street and Bagot Road.

18. Effect of charges under *Water Agencies (Charges) By-laws 1987*

For the purposes of the Act, charges payable under the *Water Agencies (Charges) By-laws 1987* are to be treated as if they were water service charges payable to the Water Corporation under these regulations.

19. Miscellaneous charges

- (1) Schedule 3 sets out charges (payable in advance) for certain things done, or goods and services provided, by the Water Corporation as part of or incidental to the provision of a water service.
- (2) The Water Corporation may reduce or waive a charge for a matter in a particular case, or generally, if it considers that to be appropriate.

Water Services (Water Corporations Charges) Regulations 2013Charges in relation to Bunbury Water Corporation **Schedule 1**Annual charges **Division 1****it. 1****Schedule 1 — Charges in relation to Bunbury Water Corporation**

[r. 7 and 8]

Division 1 — Annual charges**1. Annual charges for 2013/14 year and subsequent years**

The charges set out in this Division apply for the 2013/14 year and each subsequent year.

2. Residential lots

In respect of a residential lot the charge is \$158.88

3. Non-residential lots

In respect of a non-residential lot the charge is, according to the size of the meter —

20 mm	\$158.88
25 mm	\$248.25
40 mm	\$635.51
50 mm	\$992.99
80 mm	\$2 542.04
100 mm	\$3 971.94
150 mm	\$8 936.87

Division 2 — Quality/quantity charges**4. Quality/quantity charges for 2013/14 year and subsequent years**

The charges set out in this Division apply for water supplied in the 2013/14 year and each subsequent year.

5. Residential lots

For each kilolitre of water supplied to a residential lot in the year the charge is —

up to 150 kL	\$0.66
over 150 but not over 350 kL	\$1.22

Water Services (Water Corporations Charges) Regulations 2013**Schedule 1** Charges in relation to Bunbury Water Corporation**Division 3** Miscellaneous charges**it. 6**

over 350 but not over 500 kL	\$1.75
over 500 but not over 700 kL	\$2.31
over 700 but not over 1 000 kL	\$2.76
over 1 000 kL	\$2.88

6. Non-residential lots

For each kilolitre of water supplied to a non-residential lot in the year the charge is

	\$1.75
--	--------

Division 3 — Miscellaneous charges**7. Meters: multi-unit developments**

For supplying and connecting a meter to a pipe supplying water to a unit in a multi-unit development under the *Water Services Regulations 2013* regulation 23(1)

	\$60.15
--	---------

8. Assessing meters: multi-unit developments

For assessing a meter that is, or is to be, connected to a pipe supplying water to a unit in a multi-unit development under the *Water Services Regulations 2013* regulation 23(3)

	\$60.15
--	---------

9. Testing meters

For testing a meter under the *Water Services Regulations 2013* regulation 26(3), where the size of the meter is —

20 mm (no calibration)	\$33.85
20 mm (with calibration)	an amount equal to the actual cost of testing

Water Services (Water Corporations Charges) Regulations 2013

Charges in relation to Bunbury Water Corporation

Schedule 1

Miscellaneous charges

Division 3**it. 10**

more than 20 mm an amount
equal to the
actual cost of
testing

10. Copies of recordsFor a copy of records under the *Water Services**Regulations 2013* regulation 65(4)(b) \$10.00

Water Services (Water Corporations Charges) Regulations 2013**Schedule 2** Charges in relation to Busselton Water Corporation**Division 1** Annual charges**it. 1****Schedule 2 — Charges in relation to Busselton Water Corporation**

[r. 12 and 13]

Division 1 — Annual charges**1. Annual charges for 2013/14 year and subsequent years**

The charges set out in this Division apply for the 2013/14 year and each subsequent year.

2. Residential lots

In respect of a residential lot the charge is \$173.49

3. Non-residential lots

In respect of a non-residential lot the charge is, according to size of the meter —

20 mm	\$173.49
25 mm	\$271.08
40 mm	\$693.98
50 mm	\$1 084.34
80 mm	\$2 775.91
100 mm	\$4 337.36
150 mm	\$9 759.06

4. Vacant land

In respect of vacant land the charge is \$173.49

5. Fire services

In respect of a fire service connection the charge is \$173.49

Water Services (Water Corporations Charges) Regulations 2013Charges in relation to Busselton Water Corporation **Schedule 2**Quality/quantity charges **Division 2****it. 6****Division 2 — Quality/quantity charges****6. Quality/quantity charges for 2013/14 year and subsequent years**

The charges set out in this Division apply for water supplied in the 2013/14 year and each subsequent year.

7. Residential lots

For each kilolitre of water supplied to a residential lot in the year the charge is —

up to 150 kL	\$0.87
over 150 but not over 350 kL	\$1.21
over 350 but not over 500 kL	\$1.37
over 500 but not over 700 kL	\$1.83
over 700 but not over 1 000 kL	\$2.55
over 1 000 kL	\$2.62

8. Non-residential lots

For each kilolitre of water supplied to a non-residential lot in the year the charge is \$1.37

9. Fire services

For each kilolitre of water supplied through a fire service connection the charge is \$1.81

Division 3 — Miscellaneous charges**10. Meters: multi-unit developments**

- (1) For supplying and connecting a meter to a pipe supplying water to a unit in a multi-unit development under the *Water Services Regulations 2013* regulation 23(1) \$287.00
- (2) For supplying a meter for connection to a pipe supplying water to a unit in a multi-unit development \$213.00

Water Services (Water Corporations Charges) Regulations 2013**Schedule 2** Charges in relation to Busselton Water Corporation**Division 3** Miscellaneous charges**it. 11**

11. Assessing meters: multi-unit developments

For assessing a meter that is, or is to be, connected to a pipe supplying water to a unit in a multi-unit development under the *Water Services Regulations 2013* regulation 23(3)

..... \$101.70

12. Testing meters

For testing a meter under the *Water Services Regulations 2013* regulation 26(3), where the size of the meter is —

20-25 mm \$34.00

more than 25 mm an amount equal to the actual cost of testing

13. Copies of records

For a copy of records under the *Water Services Regulations 2013* regulation 65(4)(b)

..... \$8.20

Water Services (Water Corporations Charges) Regulations 2013
Miscellaneous charges in relation to the Water Corporation **Schedule 3**

it. 1

**Schedule 3 — Miscellaneous charges in relation to the
Water Corporation**

[r. 19]

1. Meters: multi-unit developments

For supplying and connecting a meter to a pipe supplying water to a unit in a multi-unit development under the *Water Services Regulations 2013* regulation 23(1)

..... \$336.50

2. Assessing meters: multi-unit developments

For assessing a meter that is, or is to be, connected to a pipe supplying water to a unit in a multi-unit development under the *Water Services Regulations 2013* regulation 23(3)

..... \$239.00

3. Testing meters

For testing a meter under the *Water Services Regulations 2013* regulation 26(3), where the size of the meter is —

20-25 mm \$102.00

more than 25 mm an amount equal to the cost of testing

4. Installing water supply connection

- (1) For installing a water supply connection in relation to land in the metropolitan area (other than in the central business districts) where the size of the connection is —

20 mm \$1 139.00

25 mm \$1 154.00

40 mm \$1 680.00

Water Services (Water Corporations Charges) Regulations 2013**Schedule 3** Miscellaneous charges in relation to the Water Corporation**it. 5**

50 mm	\$2 076.00
80-100 mm	\$4 020.00
150 mm	\$4 799.00
more than 150 mm	an amount equal to the cost of installation
(2) For installing a water supply connection in relation to land in the central business districts	an amount equal to the cost of installation
5. Activating water supply connection	
(1) For activating a water supply connection in relation to land in the metropolitan area, whether or not at the same time as installing the connection	\$127.50
(2) The charge in this item covers the supply of a meter, stopcock and, if required, a temporary stand pipe.	
6. Disconnecting a water supply connection	
(1) For disconnecting a water supply connection to land	\$719.50
(2) For the purposes of this item, the cutting off or reducing the rate of flow of a supply of water under section 95 of the Act is not the disconnection of a water supply connection.	
7. Reconnecting a water supply connection	
(1) For reconnecting a water supply connection to land	\$719.50

Water Services (Water Corporations Charges) Regulations 2013
Miscellaneous charges in relation to the Water Corporation **Schedule 3**

it. 8

- (2) For the purposes of this item, the restoring of the supply of water or the rate of flow of water after it has been cut off or reduced under section 95 of the Act is not the reconnection of a water supply connection.

8. Relocating a water supply connection

- (1) For relocating a water supply connection up to 500 mm from its existing position, where the size of the connection is —
- | | |
|-----------------------|---|
| 20 mm | \$430.00 |
| 25 mm | \$490.50 |
| 40 mm | \$700.00 |
| 50 mm | \$820.50 |
| more than 50 mm | an amount equal to the cost of relocation |
- (2) For relocating a water supply connection more than 500 mm from its existing position the charge worked out under item 4 as if the relocation were an installation

9. Proposal to connect to sewer

- For assessing a proposal to connect a wastewater inlet on land to a sewer \$19.95

Water Services (Water Corporations Charges) Regulations 2013**Schedule 3** Miscellaneous charges in relation to the Water Corporation**it. 10**

10. Installing sewer junction

For installing a sewer junction in respect of land,
where the size of the sewer is —

100 mm	\$489.80
150 mm	\$610.60

11. Hire of standpipe for fire hydrant

- (1) For an application to hire a standpipe from the Water Corporation for attachment to a fire hydrant connected to water supply works of the Water Corporation in the metropolitan area \$106.50
- (2) For hire of a standpipe from the Water Corporation for attachment to a fire hydrant connected to water supply works of the Water Corporation in the metropolitan area, where the size of the standpipe's meter is —
- | | |
|-----------------------|----------------------------|
| 25 mm or less | \$219.00/month
pro rata |
| more than 25 mm | \$366.50/month
pro rata |

12. Meter reading and other information

For —

- (a) meter reading \$15.90
- (b) urgent meter reading \$53.40
- (c) information in relation to water services provided in respect of land (request lodged electronically) and —
- | | |
|---------------------------------|---------|
| (i) meter reading | \$42.20 |
| (ii) urgent meter reading | \$79.60 |

Water Services (Water Corporations Charges) Regulations 2013
Miscellaneous charges in relation to the Water Corporation **Schedule 3**

it. 13

-
- (d) information in relation to water services provided in respect of land (request not lodged electronically) and —
- (i) meter reading \$72.40
- (ii) urgent meter reading \$109.50
- (e) provision of information not covered by paragraphs (a) to (d), involving research or investigation of more than 15 minutes \$80.00/hour or part hour
- 13. Plans and diagrams of property sewer connections or sewerage works**
- (1) For —
- (a) the supply, in hard copy form, of a copy of, or extract from, records or plans of mains, sewers, drains and other works of the Water Corporation (including where reduced to A4 size) \$16.25
- (b) a property sewer connection diagram in hard copy form (per A4 copy) \$16.25
- (c) an electronic plan of sewerage works of the Water Corporation for a property \$17.00
- (2) This item does not apply to the provision of plans of drainage plumbing covered by the *Water Services Regulations 2013* regulation 53.
- 14. Copies of records**
- For a copy of records under the *Water Services Regulations 2013* regulation 65(4)(b) \$16.25

N. HAGLEY, Clerk of the Executive Council.

Water Services Licensing Act 1995

Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2013

Made by the Governor in Executive Council.

1. Citation

These regulations are the *Water Services Licensing (Plumbers Licensing and Plumbing Standards) Amendment Regulations 2013*.

2. Commencement

These regulations come into operation as follows —

- (a) regulations 1 and 2 — on the day on which these regulations are published in the *Gazette*;
- (b) the rest of the regulations — on the day on which the *Water Services Act 2012* Part 2 comes into operation.

3. Regulations amended

These regulations amend the *Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000*.

4. Regulation 1 replaced

Delete regulation 1 and insert:

1. Citation

These regulations are the *Plumbers Licensing and Plumbing Standards Regulations 2000*.

**Water Services Licensing (Plumbers Licensing and Plumbing Standards)
Amendment Regulations 2013**

r. 5

5. Regulation 3 amended

- (1) In regulation 3(1) delete the definitions of:

exempt work

pipe

sewer

waste

water services provider

- (2) In regulation 3(1) insert in alphabetical order:

exempt work means work carried out by or on behalf of a water services provider in connection with the undertaking, maintenance or operation of water services works of the water services provider;

pipe includes fittings and fixtures associated with a pipe;

sewer means sewerage works of a licensee as defined in the *Water Services Act 2012* section 3(1);

trade waste has the meaning given in the *Water Services Act 2012* section 101(1);

waste includes solid, liquid and gaseous waste;

water services provider means a licensee as defined in the *Water Services Act 2012* section 3(1);

water services works of a water services provider means water service works of a licensee as defined in the *Water Services Act 2012* section 3(1);

- (3) In regulation 3(1) in the definition of *fixture* delete “or other waste”.

**Water Services Licensing (Plumbers Licensing and Plumbing Standards)
Amendment Regulations 2013**

r. 6

6. Regulation 51 amended

In regulation 51:

- (a) delete paragraph (b) and insert:
 - (b) “conduit” means a pipe or other closed passage for conveying water or wastewater;
- (b) delete paragraph (e) and insert:
 - (e) “ground level” means the ground level at the relevant location after the intended level and grade for the location has been achieved and all surface treatments have been completed;
- (c) delete paragraphs (h) and (i) and insert:
 - (h) “spill level”, for any fixture, storage tank or receptacle means the maximum height to which water will rise while overflowing the rim level or through channels or openings having a free discharge to the atmosphere under all conditions, when water is flowing into the fixture, storage tank or receptacle at the maximum rate (under a pressure equal to a head of 70 m) with all the service outlets of the fixture, storage tank or receptacle closed;
 - (i) “trade waste” has the meaning given in the *Water Services Act 2012* section 101(1);

***Water Services Licensing (Plumbers Licensing and Plumbing Standards)
Amendment Regulations 2013***

r. 7

7. Regulation 64 amended

(1) In regulation 64(1)(b) delete “industrial” and insert:

trade

(2) In regulation 64(3) delete “an industrial” and insert:

a trade

(3) In regulation 64(4) delete the definition of *industrial waste*.

8. Schedule 4 amended

In Schedule 4 in Form 1 and Form 2 delete “*Water Services Licensing (Plumbers Licensing and Plumbing Standards) Regulations 2000*” and insert:

Plumbers Licensing and Plumbing Standards Regulations 2000

By Command of the Governor,

N. HAGLEY, Clerk of the Executive Council.
