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WATER BOARDS ACT 1904

BUNBURY WATER BOARD

**BY-LAWS PURSUANT TO
SECTION 141**

WATER BOARDS ACT 1904

BY-LAWS PURSUANT TO SECTION 141

Made by the Bunbury Water Board

PART 1

REPEAL

1.0 All previous by-laws are repealed.

PART 2

PRELIMINARY AND DEFINITIONS

2.0 These by-laws may be cited as the Bunbury Water Board By-Laws and shall come into operation on the 29 November 2002.

2.1 In these by-laws, unless the context otherwise requires—

“the Act” means *Water Boards Act 1904*.

“AS/NZS 3500.1.2:1998” referred to herein as *“AS 3500”* means the National Plumbing and Drainage Code approved by the Council of Standards of Australia on 14th November 1998 and any variation, addition, revision or substitution thereof approved by the Council of Standards Australia from time to time.

“Aqwest” means Bunbury Water Board.

“the Board” means Bunbury Water Board.

“Bunbury Water Board” means the board constituted under Section 7 of the Act for the Bunbury Water Area.

“Bunbury Water Area” means the area in respect of which Bunbury Water Board holds an operating licence for the supply of services under the *Water Services Co-Ordination Act 1995* or any other enactment in substitution therefor or the area in which Bunbury Water Board is entitled to provide services, whether water supply services, sewerage services, irrigation services or drainage services.

“Officer” means a person appointed by Bunbury Water Board to assist in the execution of the Act and by-laws made pursuant to the Act.

“Private Service” means all pipes and fittings and all connections and apparatus of whatsoever nature, whether used temporarily or otherwise on any part of premises of the owner or occupier of any premises supplied with water by the Board, including any pipes or fittings and apparatus owned by the owner, occupier or consumer, which are used for conveying water from the mains of the Board, whether such pipes, fittings and apparatus are situated on the premises of the owner, occupier or consumer or otherwise.

“Property of the Board” or *“Property”* means all property whether immovable or moveable vested in or under the management and control of the Board, pursuant to the Act.

“Water Reticulation Code of Australia” means the Water Reticulation Code of Australia WSA03-1999 of the Water Services Association of Australia and any variation, addition, revision or substitution thereof approved or adopted by the Water Services Association of Australia from time to time.

“Water Reticulation Works” means water reticulation systems and distribution networks for servicing new developments, redevelopment area and for water main augmentations and renewals within the scope of and as provided for in the Water Reticulation Code of Australia.

“Water Service” means the pipes and fittings used or intended to be used for the supply of water from a water main up to and including the meter assembly and temporary building standpipe, if any, of each property.

“Water Supply Plumbing” means the installation, renewal, replacement, alteration, repair or maintenance of Water Supply Systems.

“Water Supply System” means the pipes and fittings used or intended to be used for the supply of water from a meter assembly of the Board to the points of usage within any property and includes any water storage tank or pipes therefrom.

The words *“drain”*, *“house”*, *“land”*, *“owner”* and *“public house”* shall have the same meanings severally ascribed to them in Section 3 of the *Health Act 1911*.

The words *“authorised”*, *“by-laws”*, *“district”*, *“fittings”*, *“local authority”*, *“occupier”*, *“owner”*, *“pipe”*, *“prescribed rate payer”*, *“rateable land”*, *“road”*, *“reservoir”*, *“stream”*, *“water area”*, *“water-works”* and *“works”* shall have the same meaning severally ascribed to them in the Act.

PART 3**PROTECTION OF BOARD'S WORKS AND PROPERTY****3.0 GENERAL**

By-laws in this part are intended to protect the Board's works and Property of the Board from interference or damage and to regulate the entry of persons onto the Property of the Board and the behaviour of persons whilst thereon.

3.1 PROTECTION OF WORKS AND PROPERTY

3.1.1 No person shall enter upon or use the property and works of the Board without the authority of the Board.

3.1.2 No person shall wilfully or carelessly damage or cause damage to the property and works of the Board.

3.1.3 No person shall tamper or interfere with the property or works of the Board.

3.1.4 No person shall excavate on or interfere with the surface of immovable property of the Board.

3.1.5 No person shall cause any explosion or other action in the vicinity of the property of the Board which may cause damage or future damage by subsidence of ground or otherwise to the property of the Board.

3.1.6 No person shall drive, take, ride or permit any vehicle, plant, equipment or animal to cross any exposed pipe, valve, fitting or apparatus of the Board.

3.1.7 No person shall drive, take or ride any vehicle, plant, equipment or animal across underground pipelines or works where warning signs have been erected by the Board, except at crossing points approved and designated by the Board and indicated by sign boards.

3.1.8 No person shall wilfully or carelessly mark, disfigure, deface or damage any notice board, notice, by-law, rule or regulation displayed upon the property or works of the Board.

3.1.9 No unauthorised person shall open any gate, sliprail, manhole, door or other entrance upon the property or the works of the Board without the written permission of the Board.

3.1.10 No unauthorised person shall stand, park or leave any thing upon the property of the Board except with the written permission of the Board or in the place specifically set aside and designated by the Board for that purpose.

3.1.11 No person shall interfere with, damage, remove or pluck any wildflower, shrub, bush, tree or other plant growing on the Property of the Board.

3.1.12 No person shall wilfully or carelessly permit any animal belonging to or under the control or in the custody of that person to enter or be upon the Property of the Board.

3.1.13 No person shall place any notice or advertisement on the property or works of the Board.

3.1.14 All persons entering upon the Property of the Board with the written permission of the Board shall obey any instructions displayed on notice boards or issued verbally by the Officers of the Board regarding behaviour in or use of the Property of the Board.

3.1.15 No person shall light a fire on the property or the works of the Board.

3.2 PROTECTION OF WATER AGAINST CONTAMINATION

3.2.1 By-laws contained in this part are intended to prevent the contamination of water supplied and distributed by the Board.

3.2.2 No person shall throw or place any solid or liquid into—

- (a) any reservoir, pond or tank or pipe or works that holds or is intended to hold water or through which water passes or is intended to pass for distribution to the Board's consumers; or
- (b) any pit, manhole or other structure containing valves, meters, fittings or connections to the works.

3.2.3 No person shall commit a nuisance in, upon, or in the vicinity of the Property of the Board or waterworks of the Board.

3.2.4 No person shall swim, bath or wash his body or any other thing in the works of the Board.

3.2.5 No person shall knowingly permit or suffer any child under his control to swim, bath or wash his body or any other thing in the works of the Board.

3.2.6 No person shall boat, canoe, surf, fish or shoot in or upon or over the property or works of the Board.

3.2.7 No person shall permit any dog or other animal or bird under his ownership or control to swim in or be upon any portion of the property or the works of the Board.

3.2.8 The owner and occupier of any land supplied with water within the Bunbury Water Area shall comply with AS 3500 when connecting any device, part, fitting or apparatus to a Water Supply System and without derogating from the generality thereof shall if so required by AS 3500 procure the installation by a Licensed Water Supply Plumber as required in Part 4 hereof of a Backflow Prevention Device thereon in accordance with the requirements of AS 3500.

3.2.9 If a Backflow Prevention Device is fitted to a Water Supply System the owner and occupier of land whereon the Water Supply System is installed shall—

- (a) have a Licensed Water Supply Plumber inspect, test and maintain the Backflow Prevention Device at such intervals and in such manner as is required by AS 3500 and AS 2845.3/1993 approved by the Council of Standards of Australia; and

- (b) within seven (7) days of the test and inspection referred to in (a), deliver to the Board a written report duly certified in writing by the Licensed Water Supply Plumber indicating the date of inspection, location and state and condition of the Backflow Prevention Device at the time of the inspection and stating further whether any maintenance work was carried out thereon and if so, describing the maintenance work carried out.

3.3 PROTECTION OF WATER QUALITY

3.3.1 The by-laws in this part apply to the water course referred to in the Act and within which surface or subsurface water is present.

3.3.2 No person shall throw, deposit, discharge or leave or cause, permit or suffer to be thrown, deposited, discharged or left into or upon the water course any biological material, chemical, radioactive material, litter, rubbish, offal, dung, dead animal or any noisome, noxious or polluting liquid, substance, matter or thing which is likely to pollute the water course or which is likely to affect purity of the water.

3.3.3 No person shall permit the water of any property, sewer or any filthy or polluted water discharging from premises occupied by him or under his control to run, flow or be brought into the water course.

3.4 CONTROL OF ANIMALS

3.4.1 The owner or person in charge or control of any animal or bird shall not cause or permit any animal or bird to enter or remain on any portion of the property or the works of the Board or the water course.

3.4.2 The owner or person in charge or control of any animal or bird on being notified in writing by the Board that such animal or bird whether alive or dead is upon the property or the works of the Board or the water course shall forthwith remove such animal or bird if on being notified under By-law 3.4.1 that an animal or bird is upon the property or the works of the Board or a water course and the owner or person in control or charge thereof does not forthwith remove the same, such animal or bird may by an Officer of the Board be driven away or removed, sold, destroyed or otherwise disposed of without the Board or the Officer incurring any liability to recompense the owner or person in control for the loss and the owner or person in control or charge of such animal shall be obliged to reimburse the Board, all costs reasonably incurred by the Board in doing so.

PART 4

WATER SUPPLY PLUMBING AND WATER RETICULATION WORKS

4.0 PERSONS WHO MAY CARRY OUT WATER SUPPLY PLUMBING AND NOTIFICATION OF WORK

4.0.1 A person shall not carry out Water Supply Plumbing unless that person—

- (a) is the holder of a Licence as defined in *Water Services Co-Ordination (Plumbers Licensing) Regulations 2000* under the *Water Services Co-Ordination Act 1995*;
- (b) is authorised to work under the direction and supervision of a person holding a licence referred to in paragraph (a) hereof;

such person in these By-laws referred to as a “Licensed Water Supply Plumber”.

4.0.2 Nothing in By-law 4.0.1 prohibits a person who is not a person described in By-law 4.0.1(a) from carrying out work in connection with the installation of a Water Service by the Board.

4.0.3 A Licensed Water Supply Plumber shall not carry out or cause to be carried out any work in connection with water supply which is connected, or is intended to be connected to the Board’s works, unless the Licensed Water Supply Plumber has lodged with the Board a notice of intention to commence work not less than 2 working days before commencement of the work.

4.0.4 A notice of intention to commence work shall be in such form as is approved by the Board, legibly completed and signed by the Licensed Water Supply Plumber who is to carry out the work.

4.0.5 The Board may refuse to accept a notice which does not comply with By-law 4.0.4.

4.1 PENALTIES FOR DOING WORK WITHOUT A WATER SUPPLY LICENCE OR FAILING TO GIVE NOTIFICATION OF WORK

Any person who contravenes By-law 4.0.1 or By-law 4.0.3 commits an offence and is liable to a penalty of \$2,000.00.

4.2 SCOPE AND APPLICATION

By-laws 4.3 and 4.4 set out the requirements for—

- (a) the installation and connection of water supply pipe work to plumbing fixtures and appliances within properties;
- (b) the installation and connection of hot water services;
- (c) the installation and connection of fire fighting services; and
- (d) the installation and connection of garden, watering and irrigation systems;

applicable to the installation and connection of Water Supply Systems; and

- (e) Water Reticulation Works;

4.3 STANDARDS FOR WATER SUPPLY PLUMBING AND WATER RETICULATION WORKS

4.3.1 A person who carries out Water Supply Plumbing shall comply with the standards as to materials and products and workmanship which are set out in AS 3500.

4.3.2 A person who carries out Water Supply Plumbing on a Water Supply System at any property in the Bunbury Water Area shall determine whether there is a need under AS 3500 to install a Backflow Prevention Device in that Water Supply System and if such need exists shall within seven (7) days of carrying out such Water Supply Plumbing provide a written report thereon to the Board in such form as is determined by the Board from time to time and shall provide a copy thereof to the owner and occupier of such property.

4.3.3 A person who inspects, tests or maintains a Backflow Prevention Device in accordance with the requirements of AS 3500 shall within seven (7) days of carrying out such inspection, test or maintenance, submit a written report to the Board indicating the date of inspection, the location and state and condition of the Backflow Prevention Device at the time of inspection and stating whether any maintenance work was carried out thereon and if so, describing the maintenance work so carried out.

4.3.4 A person who carries out Water Reticulation Works shall comply with the standards as to design, materials and products and workmanship which are set out in the Water Reticulation Code of Australia.

PART 5

GENERAL BY-LAWS

5.0 APPLICATIONS FOR WATER SERVICE

5.0.1 Applications for Water Service shall be made on the form prescribed by the Board from time to time and shall be lodged with the Board not less than 10 days before the service is required.

5.0.2 The applicant shall provide the Board with all information required on the prescribed form and shall pay all rates and other charges due in respect of the premises for which the Water Service is required, together with the cost of the Water Service from the water main to the boundary on or before such application is lodged and prior to the carrying out of the works.

5.1 SUPPLY TO NON-RATED PROPERTIES

5.1.1 A person requiring a Water Service to a non-rated property may subject to the approval of the Board be supplied on payment of a minimum charge which shall be fixed from time to time by the Board in lieu of a water rate and all provisions of these by-laws applicable to rate paying consumers shall apply to the minimum charge paying consumers.

5.1.2 In deciding whether or not and on what terms and conditions to supply a Water Service to a non-rated property, the Board shall have regard to the principles and policy set out in the Board's then prevailing Customer Service Charter.

5.2 SEPARATE SERVICES

Except with the written permission of the Board not more than one house or tenement shall be supplied from a single Water Service. The Board may in special cases consent to two or more tenements being supplied from one Water Service, but in such case the sub-services shall be so arranged that the supply to each house shall be independent of the supply to the remaining houses and controlled by a stop-cock on such sub-service.

5.3 SIZE OF SERVICE PIPES

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

5.4 NOTICE OF INTENTION TO BUILD

The owner or occupier of any land supplied with water within the water area who shall erect or make, or cause to be erected or made any building or addition to any existing building on such land, shall before the commencement of same give notice in writing thereof to the Board.

5.5 MISUSE OF WATER

5.5.1 A person entitled to a supply of water for domestic purposes only shall not use such water for any other purpose, other than domestic purposes.

5.5.2 A person entitled to a supply of water for any other specified purpose shall not use water supplied for any purpose other than that specified.

5.6 TURNING OFF WHEN REPAIRING AND TAPPING

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

5.7 REWARD—REPORTING LEAKAGE

The Board may in its discretion adequately reward any person (not being the person at fault) who timeously communicates information to the Board of any leakage or waste of water, whether occasioned accidentally, negligently or wilfully or any person who gives information which leads to the conviction of the person who steals or causes to be stolen or improperly appropriates the water of the Board.

5.8 WASTE OF WATER

No person supplied with water by the Board, whether by meter or otherwise, shall allow the same to run to waste.

5.9 LIMITING SUPPLY

5.9.1. The Board may at such times and for such purposes as it in its absolute discretion deems necessary and expedient, prohibit or limit in such manner and on such conditions as it deems fit, for any specified purpose or purposes the use of water supplied by it.

5.9.2 In the event that the Board deems it necessary to prohibit or limit use of water pursuant to By-law 5.9.1, the Board shall publish notice thereof in any newspaper circulating in the Bunbury Water Area.

5.9.3 No person shall use water supplied by the Board contrary to the Board's prohibition or limitation of use pursuant to this By-law 5.9.

5.10 FIXING OF METERS

Any Officer appointed by the Board for such purpose may fix a meter on any Water Service and shall determine the size and class of meter in each case. Meters will be supplied at the discretion of the Board and may be opened or encased. Meters shall be installed in accordance with the standards set out in Part 4 of these By-laws.

5.11 REPAIRS AND MAINTENANCE OF METERS

A person supplied with water through a meter belonging to the Board on such person's property shall be responsible for the cost of maintenance and repair of such meter in the event that damage is caused thereto, notwithstanding the nature or cause of such damage save and except however where such damage has been caused as a result of any act of the Board or its servants. Repairs to such meter may only be carried out by the Board and the cost of repair incurred by the Board shall, on written demand, be paid by the owner or occupier of the land whereon the meter is installed and such costs shall be recoverable in the same manner as water rates and supply charges are recoverable under the Act.

5.12 NOTICE OF DAMAGE OR NON-REGISTRATION OF METER SHALL BE GIVEN

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

5.13 INTERFERENCE WITH METERS

No person shall break or in any way interfere with the seal fixed on a meter through which water is supplied by the Board or turn or attempt to turn any screw, bolt or nut on or attached to such meter or use any tool or appliance on any such meter or introduce or attempt to introduce any body or substance into such meter, or in any way interfere with any portion of such meter or any pipes or fittings attached thereto or do any other thing which does or may affect the recording of consumption of water by such meter.

5.14 ACCESS TO METERS

The owner or occupier of land where a meter has been installed by the Board shall maintain a clear space of not less than 300 mm horizontally and 1200 mm vertically from the meter, so as to permit and ensure easy access to such meter by an Officer of the Board at all times.

5.15 AVERAGING OF CONSUMPTION

During any period that a meter is undergoing repairs or in the event that a meter does not properly register the consumption of water through it, the Board or an Officer appointed by the Board may at its option estimate the quantity of water consumed by the owner or occupier of the land whereon such meter is installed by taking an average of the quantity of water consumed during such previous period as the Board shall determine and the quantity so estimated shall be recorded as the consumption for the land in question for that period and the owner and occupier of the land shall be bound by the Board's determination.

5.16 TESTING OF METERS

5.16.1 For all purposes of Section 59 of the Act, the prescribed meter testing fee referred to in Section 59(3)(a) shall be the fee prescribed by the Board from time to time.

5.16.2 For all purposes of Section 59 of the Act, "*the limits of error prescribed*" referred to in Section 59 (4)(a) of the Act is within 5%.

5.17 AUTHORITY TO ENTER PREMISES

5.17.1 An Officer of the Board may at all reasonable times enter any house or premises connected or intended to be connected with water mains, in order to examine whether the water pipes and fittings in such house or premises are in proper order and condition or for any other purposes under the Act.

5.17.2 No person shall refuse an Officer of the Board entry or admission to such premises, nor shall any person in any way hinder such Officer in the execution of his duty under the provisions of these by-laws or the Act.

5.18 GRATUITIES

No Officer, servant or agent of the Board shall solicit or receive any fee or gratuity whatsoever.

5.19 JUNCTION OR INTERFERENCE WITH PIPES AND FITTINGS

No person shall make any connection or interfere with any pipe or fitting of the Board or with any water pipe or fitting communicating therewith at any place than shall be approved of by the Board and the water mains shall only be tapped by workmen of the Board.

PART 6**SECURITY FOR NON-PAYMENT OF RATES AND CHARGES**

6.0 If money due to the Board for basic water rates or water supplied under the Act remains unpaid for the term of 3 years or longer after the same becomes due and payable in respect of any land, the Board shall on publication of notice under the Seventh Schedule to the Act have an interest in the land and may in respect of such interest lodge a caveat to preclude dealings in respect of the land pending sale of the land by the Board under Section 108 of the Act and disposal of the proceeds of the sale of the land pursuant thereto and the Board shall have the power to withdraw caveats so lodged by it.

6.1 Water rates and any monies due to the Board shall become due and payable within 28 days of the date of issue by the Board of a Tax Invoice in respect thereof.

6.2 Notwithstanding By-law 6.1, the Board may, however, on such terms and conditions as the Board may impose from time to time, allow payment of water rates and any other monies due and payable to the Board to be paid by instalments over such period of time as the Board may decide before the issue of the Tax Invoice referred to in By-law 6.1 and such instalments and the terms and conditions pertaining to such concession shall be indicated on such Tax Invoice.

PART 7**PENALTIES FOR BREACH OF BY-LAWS**

7.0 A person who breaches any by-law, whether by act or omission, for which a penalty is not otherwise expressly prescribed, is liable on conviction to a penalty of not exceeding \$2,000.00 and in the case of a continuing breach to a further penalty not exceeding \$200.00 for each day during which the offence continues after notice of breach is given by or on behalf of the Board to that person. In addition to any penalty imposed under these by-laws, such person in breach shall be liable to pay to the Board any expense incurred by the Board in consequence of the breach.

PART 8**OPERATING NAME**

8.0 The Board may perform all of its functions under the Act under the name "Aqwest".

