
WATER

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WATER BOARDS ACT 1904

Busselton Water Area By-Laws

Busselton Water Board

In Pursuance of the powers conferred upon it by the abovementioned Act, the Busselton Water Board hereby records having resolved on the 17 day of February 1997 to amend the Busselton Water Area Bylaws *gazetted* on 23 September 1994, hereafter referred to as the principal By-Laws, as follows:—

- i) By-Law 12 of the principal By-Laws is deleted and replaced with the following By-Law:

12. Potable Water Supply Systems

- 12.1 All potable cold water supply systems shall be installed, designed and maintained in accordance with AS 3500.1-1992 known as the National

Plumbing and Drainage Code, Part 1 : Water Supply 1992, as published by Standards Australia.

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

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

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

ii) By-Law 38 of the principal By-Laws is deleted and replaced with the following By-Law:

38. Offences (owner/occupier)

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

38.1 Failure to Comply with Notice

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

38.2 Continuation of offence

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

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

38.2.1 Penalty

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

38.3 Offences (Licensed Plumber)

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

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

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

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

38.4 Offences General

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

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

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

iii) By-Law 39(1) and (2) became By-Law 40(1) and (2).

iv) A new By-Law 39, as follows, is included.

39. Definitions

39.1 In this By-Law a "certificate" means a Certificate of Completion and Compliance under By-Law 39.3.1.

39.1.1 A "licensed plumber" means a person who is the holder of a water supply licence, authorised to carry out plumbing works in the Busselton Water Boards area of control.

39.1.2 "Plumbing work" means the installation, maintenance, repair and testing of any part of a hot and cold potable water supply system.

39.1.3 "Normal working day" means any day of the week, other than Saturday, Sunday or public holidays.

39.1.4 A "Notice" means Notice of Intention to Commence Work under By-Law 39.2.

39.1.5 "Notified work" means work described in the notice.

39.2 Notification of Work

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

39.2.1 A Notice of Intention to Commence Work shall be in a form approved by the Board, legibly completed and signed by the licensed plumber who is to carry out the work.

39.2.2 The Board may refuse to accept for lodgement a notice that does not comply with By-Law 39.2.1.

39.2.3 A licensed plumber who lodges a notice:—

- (a) is responsible for the performance of the notified work, whether the work is carried by the licensed plumber or by another person under the direction and supervision of that licensed plumber; and
- (b) shall ensure that the notified work is carried out in accordance with these By-Laws.

39.3 Certification of Work

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

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

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

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

39.4 Alteration, Withdrawal or Cancellation of a Notice

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

- (a) the certificate that corresponds with the notice, duly completed in accordance with the instructions set out in the book of forms; and
 - (b) in the case of alteration, a fresh notice complying with By-Law 39.2.1; and
- give a copy of the certificate that corresponds to the notice to the owner or occupier of the premises concerned.

39.4.1.1 Where notified work is not to be commenced, the licensed plumber shall cancel the notice in respect of that work by lodging with the Board the certificate that corresponds to the notice, duly completed in accordance with the instruction set out in the books of forms.

39.4.1.2 A licensed plumber who fails to comply with any of the requirements of By-Law 39.4.1 or 39.4.1.1 in relation to the alteration, withdrawal or cancellation of a notice commits an offence.

Penalty \$500.00

39.4.2 Work Taken Over by Another Plumber

39.4.2.1 Where notified work has been commenced but a licensed plumber other than the licensed plumber named in the notice (in this By-Law and By-Law 39.4.1 called the first plumber) is to take over and complete the work, the first licensed plumber shall withdraw the notice in the manner set out in By-Law 39.4.2.2 (a), (b) and (c).

- 39.4.2.2 The licensed plumber taking over the work referred to in By-Law 39.4.2.1 shall:—
- (a) lodge with the Board a fresh notice advising of the change of licensed plumber;
 - (b) provide the Board with written confirmation of the change of licensed plumber from the owner/occupier of the premises which the work is being carried out; and
 - (c) within 7 normal working days of completing the work, lodge a certificate in respect of the work carried out but not certified by the first licensed plumber.
- 39.4.2.3 A licensed plumber who fails to comply with the requirements of By-Law 39.4.2.2 commits an offence.
- 39.4.3 Directions by Board as to Work
- 39.4.3.1 Where the Board is of the opinion that a licensed plumber:—
- (a) has not commenced notified work within 12 months of the date of lodgement of a notice and has not withdrawn or cancelled that notice under By-Law 39.4;
 - (b) has commenced notified work but has failed to complete that work in a reasonable time; or
 - (c) has carried out notified work that is not in accordance with these By-laws
- the Board may, by notice in writing given to the licensed plumber or the owner/occupier of the premises concerned, direct the person so notified to ensure that the work is commenced, completed or otherwise carried out within such time and conditions as are specified in the notice.
- 39.4.3.2 The Board may by further notice in writing, vary or cancel a notice given under By-Law 39.4.3.1.
- 39.4.3.3 A person who fails to comply with a direction contained in a notice under By-Law 39.4.3.1 or in such a notice as varied under By-law 39.4.3.2, commits an offence.
- 39.4.3.4 Where notice under By-law 39.4.3.1 or such notice as varied under By-Law 39.4.3.2, is not complied with, the Board may refuse permission for connection of the work to the Boards works.
- 39.4.3.5 A person convicted of an offence under By-Law 39.4.3.3 shall, in addition to any penalty incurred under that By-Law, pay any expenses, loss or damage incurred by the Board in consequence of the offence.
- 39.4.4 Forms
- 39.4.4.1 A licensed plumber may obtain a book of the approved forms of notice and certificate from the Board on the payment of the appropriate fee.
- 39.4.4.2 Licensed plumbers shall comply with any instructions contained in a book of forms in relation to the completion and place of lodgement of a notice or certificate.
- 39.4.5 Plumber to Report Certain Matters
- 39.4.5.1 A licensed water supply plumber shall immediately report to the Board anything found or brought to the attention of the plumber in the course of carrying out plumbing work, that is likely to result in:—
- (a) contamination of the potable water supply system; and
 - (b) wastage of the potable water supply system.
 - (c) the contamination of water supplied by the Board water supply system.

Dated this 20th day of February 1997.

The Common Seal of the Busselton Water Board was affixed in the presence of:—

A. J. LA MANCUSA, Chairman.
D. G. McCUTCHEON, Executive Officer.