Western Australia

Water Services Act 2012

Water Services Regulations 2013

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Defined terms

Water Services Regulations 2013

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);

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);

community corporation has the meaning given in the *Community Titles Act 2018* section 3(1);

community titles (building) scheme has the meaning given in the *Community Titles Act 2018* section 11(7);

community titles (land) scheme has the meaning given in the *Community Titles Act 2018* section 11(8);

community titles scheme has the meaning given in the *Community Titles Act 2018* section 3(1);

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

emergency purposes means the purposes referred to in regulation 52;

family violence has the meaning given in the *Restraining Orders Act 1997* section 5A;

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;

fire service connection means a water supply connection through which water is, or is to be, supplied exclusively for emergency purposes;

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);

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

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

metropolitan area 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, 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;

property connection point has the meaning given in section 71(1) of the Act;

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

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

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

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

unit includes the following —

(a) a lot in a strata scheme;

(b) a lot in a survey-strata scheme;

(c) a lot in a community titles (building) scheme;

(d) a lot in a community titles (land) scheme;

water corporation licensee means a licensee that is a water corporation;

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;

water supply service (fire) means a water supply service provided to land by a licensee by means of a fire service connection;

working day means a day that is not a Saturday or a Sunday or a public holiday throughout the State.

[(2) deleted]

[Regulation 3 amended: Gazette 27 Jun 2014 p. 2359; 13 Dec 2016 p. 5660; 31 Dec 2019 p. 4664; SL 2020/240 r. 4; SL 2021/79 r. 4; SL 2022/82 r. 24; SL 2026/111 r. 4.]

4. Notes and examples

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

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 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;

(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.

7A. Codes of practice: family violence

For the purposes of section 26(2) of the Act, matters relating to customers who are directly or indirectly affected by family violence are prescribed.

[Regulation 7A inserted: SL 2020/240 r. 5.]

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.

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.

(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.

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 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.

(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.

(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.

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 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.

(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.

Part 4 — Water services

Division 1 — Preliminary

20. Terms used

In this Part —

associated fittings, in respect of a meter connected to the water service works of a licensee, includes anything attached by the licensee to the meter for the purpose of, or to assist in, any of the following —

(a) reading the information registered by the meter;

(b) generating, storing or sending information registered by the meter;

(c) recording information registered by the meter;

information means information in the form of data, text, images or sound;

sub-meter, in relation to a multi-unit development, means a meter to measure the quantity or flow of water passing through a pipe supplying water to a unit in the development (the ***unit***).

[Regulation 20 inserted: Gazette 13 Dec 2016 p. 5661; amended: SL 2021/80 r. 11.]

Division 2 — Meters and associated fittings

[Heading amended: Gazette 13 Dec 2016 p. 5661.]

20A. This Division does not apply to all licensees

This Division, other than regulation 26, applies to, and in respect of, the following licensees only —

(a) a water corporation licensee;

(b) Hamersley Iron Pty Ltd (ABN 49 004 558 276);

(c) Robe River Mining Company Pty Ltd (ABN 71 008 694 246).

[Regulation 20A inserted: Gazette 13 Dec 2016 p. 5661-2.]

21. Licensee may determine size of meter and, if required, type of associated fittings

A licensee may, from time to time according to operational requirements, determine either or both of the following —

(a) the size of the meter to be connected to water service works with which the licensee provides a water service;

(b) whether or not any associated fittings are required for the meter, and if so, the type of fittings.

[Regulation 21 inserted: Gazette 13 Dec 2016 p. 5662.]

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.

23. Meters in multi-unit developments

(1A) This regulation does not apply to or in respect of the Water Corporation.

(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 install a sub-meter at the request of —

(a) the owner of the land; or

(b) if the multi-unit development is a strata scheme or a survey-strata scheme — the strata company for the scheme; or

(c) if the multi-unit development is a community titles scheme — the community corporation for the scheme.

(2) A person who made a request under subregulation (1) in relation to a unit in a multi-unit development, or an owner of such a unit, may request the licensee to assess whether a sub-meter installed for the unit is satisfactory for the purpose of measuring the quantity or flow of water passing through a pipe supplying water to the unit.

[(3) deleted]

(4) If the licensee determines that the sub-meter is not satisfactory, the licensee may remove the sub-meter and install another sub-meter to measure the quantity or flow of water passing through a pipe supplying water to the unit.

[(5) deleted]

[Regulation 23 inserted: Gazette 13 Dec 2016 p. 5662-3; amended: SL 2021/79 r. 5; SL 2021/80 r. 12.]

23A. Installation of meters in multi-unit developments by Water Corporation

(1) If a water supply service is, or is to be, provided by the Water Corporation in respect of a multi-unit development, the Water Corporation may install a sub-meter at the request of —

(a) the owner of the land; or

(b) if the multi-unit development is a strata scheme or a survey-strata scheme — the strata company for the scheme; or

(c) if the multi-unit development is a community titles scheme — the community corporation for the scheme.

(2) A person who makes a request under subregulation (1) is liable to pay the charge set out in the *Water Services (Water Corporations Charges) Regulations 2014* Schedule 7 item 1.

(3) If the Water Corporation installs a sub-meter under subregulation (1), the person who requested the installation is liable to pay the charge set out in the *Water Services (Water Corporations Charges) Regulations 2014* Schedule 7 item 2.

[Regulation 23A inserted: SL 2021/80 r. 13; amended: SL 2022/82 r. 25.]

24. Access to meters and their associated fittings

(1A) In this regulation —

meter includes any associated fittings attached to the meter.

(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 for this subregulation:

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

(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).

[Regulation 24 amended: Gazette 13 Dec 2016 p. 5664.]

25. Damage to, and malfunction of, meters and their associated fittings

(1A) In this regulation —

meter includes any associated fittings attached to the meter.

(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.

(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 damage; 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.

[Regulation 25 amended: Gazette 27 Jun 2014 p. 2359; 13 Dec 2016 p. 5664.]

26. Testing water meters

(1) For the purposes of section 79 of the Act, the prescribed tolerance is ±5%.

(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 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 to in subregulation (3) is, if the licensee is the Water Corporation, the charge set out in the *Water Services (Water Corporations Charges) Regulations 2014* Schedule 7 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

(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.

[Regulation 26 amended: Gazette 27 Jun 2014 p. 2360; 13 Dec 2016 p. 5664; SL 2021/80 r. 14.]

Division 3 — Development and building control, and infrastructure contributions

Subdivision 1 — Land to which duty to give notice of proposed building work does not apply

[Heading inserted: Gazette 13 Dec 2016 p. 5665.]

27. Terms used

In this Subdivision —

farmland includes land described in paragraph (a) of the definition of ***farmland*** in regulation 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).

[Regulation 27 inserted: Gazette 13 Dec 2016 p. 5665.]

28. Notification of building work: excluded land

For the purposes of section 82(3) of the Act, a person is not required to give notice under section 82(1) of the Act in respect of the construction, alteration or demolition of a building on the following prescribed types or areas of land —

(a) unallocated Crown land and unmanaged reserves;

(b) land in the operating area of a licence held by the Water Corporation that is farmland — if the notice would

otherwise be required to be given to the Water Corporation;

(c) land in the operating area of a licence held by the Busselton Water Corporation — if the notice would otherwise be required to be given to the Busselton Water Corporation;

(d) land in the operating area of a licence held by the Bunbury Water Corporation — if the notice would otherwise be required to be given to the Bunbury Water Corporation.

[Regulation 28 inserted: Gazette 13 Dec 2016 p. 5665-6.]

Subdivision 2 — Subdividing lots: deferring infrastructure contributions and concessions on water service charges

[Heading inserted: Gazette 13 Dec 2016 p. 5666.]

28A. This Subdivision applies to water corporation licensees only

This Subdivision applies to, and in respect of, water corporation licensees only.

[Regulation 28A inserted: Gazette 13 Dec 2016 p. 5666.]

28B. Terms used

In this Subdivision —

developer, of a subdivision, means a person referred to in section 83(3) of the Act who is required to pay an infrastructure contribution in respect of the subdivision of land;

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

infrastructure contribution has the meaning given in section 71 of the Act;

lot does not include the following —

(a) a lot in a strata scheme, unless the lot is a vacant lot as defined in the *Strata Titles Act 1985* section 3(1);

(b) a lot in a community titles (building) scheme, unless the lot is a vacant lot as defined in the *Community Titles Regulations 2021* regulation 57(1);

subdivided lot means a lot created by the subdivision of land into 2 or more lots, each of which —

(a) is in an operating area that is specified in a licence for water supply or sewerage services; and

(b) is not a habitable lot; and

(c) has neither a water supply connection nor a property sewer connection; and

(d) if the area of the lot is 2 000 m^2 or less — is to be used for residential purposes or for purposes that include residential purposes; and

(e) if the area of the lot is more than 2 000 m^2 — is to be used for a building or group of buildings that —

(i) is, or are, to be used solely for residential purposes; and

(ii) contain a number of separate residential units.

[Regulation 28B inserted: Gazette 13 Dec 2016 p. 5666-7; amended: Gazette 31 Dec 2019 p. 4664; SL 2021/79 r. 6.]

29. Subdivision: deferring infrastructure contributions

(1) A licensee must, on the written request of a developer who is required to pay the licensee an infrastructure contribution in respect of a subdivided lot, defer the payment of the contribution unless subregulation (3) or (4) applies.

[(2) deleted]

(3) The licensee need not defer the payment of the infrastructure contribution 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 [1]) 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.

(4) If a subdivided lot is subject to a mortgage, payment of an infrastructure contribution in respect of the lot cannot be deferred unless the mortgagee consents in writing.

(5) The payment of an infrastructure contribution in respect of a subdivided lot 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 deferment of the payment ceases, then interest, calculated in accordance with regulation 82, accrues on any amount of the contribution that remains unpaid.

(7) The licensee may allow the payment of an infrastructure contribution in respect of a subdivided lot 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 payment 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 payment of an infrastructure contribution in respect of a subdivided lot 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 for the recovery of the amount, and any interest, in a court of competent jurisdiction.

(10) If a subdivided 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.

[Regulation 29 amended: Gazette 13 Dec 2016 p. 5667-9.]

30. Subdivision: concession on water service charges

(1) Water service charges in respect of a subdivided lot are not payable to a licensee for any period that is a concessional period in respect of that lot.

[(2) deleted]

(3) The ***concession period*** for a subdivided 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 a subdivided 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.

[Regulation 30 amended: Gazette 13 Dec 2016 p. 5669.]

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;

vehicle has the meaning given in the *Road Traffic (Administration) Act 2008*;

water supply works of a licensee has the meaning given in section 71 of the Act.

[Regulation 31 amended: Gazette 13 Dec 2016 p. 5669-70.]

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.

Subdivision 2 — Protection of water service works

34A. This Subdivision does not apply to all licensees

This Subdivision, other than regulation 38, applies to, and in respect of, the following licensees only —

(a) a water corporation licensee;

(b) Hamersley Iron Pty Ltd (ABN 49 004 558 276);

(c) Robe River Mining Company Pty Ltd (ABN 71 008 694 246).

[Regulation 34A inserted: Gazette 13 Dec 2016 p. 5670.]

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.

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 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

(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.

Subdivision 3 — Protection of water quality

38A. This Subdivision does not apply to all licensees

This Subdivision applies to, and in respect of, the following licensees only —

(a) a water corporation licensee;

(b) Hamersley Iron Pty Ltd (ABN 49 004 558 276);

(c) Robe River Mining Company Pty Ltd (ABN 71 008 694 246).

[Regulation 38A inserted: Gazette 13 Dec 2016 p. 5670-1.]

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.

40A. Protecting potable water supply reservoirs

(1) In this regulation —

high water mark, for a reservoir, means the highest level that water can rise to in the reservoir before being released through a spillway or over the reservoir wall;

prohibited area, for a reservoir, means all of the water and land below the high water mark for the reservoir;

reservoir, of a licensee, means a dam, weir or reservoir that is —

(a) for the storage of water for potable water supply services; and

(b) located in an operating area that is specified in the licensee's licence for potable water supply services;

take, an animal, includes by shooting, hunting, trapping or fishing.

(2) A person must not, without lawful authority, take, or attempt to take, any animal in a prohibited area for a licensee's reservoir.

Penalty for this subregulation: a fine of $4 000.

[Regulation 40A inserted: Gazette 13 Dec 2016 p. 5671.]

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 for this subregulation: 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: 2021.

Penalty for this subregulation: a fine of $5 000.

(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 2845.3-2020 is given to the licensee not later than 5 working days after the day on which the test is carried out.

Penalty for this subregulation: a fine of $1 000.

[Regulation 42 amended: SL 2023/66 r. 12.]

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 2845.3-2020; and

(b) maintained in accordance with the standard.

Penalty for this subregulation: 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 for this subregulation:

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

(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 2845.3-2020 is given to the licensee not later than 5 working days after the day on which the test is carried out.

Penalty for this subregulation: 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 2845.3-2020, the licensee may

give a compliance notice to the owner or occupier of the land on which the device is installed.

Note for this subregulation:

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).

[Regulation 43 amended: SL 2023/66 r. 13.]

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,

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.** Deleted: Gazette 13 Dec 2016 p. 5671.]*

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

(1) For the purposes of section 90(1) of the Act, and a prescribed proximity provided for in subregulation (3), 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.

(2) For the purposes of section 90(1) of the Act, and a prescribed proximity provided for in subregulation (3), 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.

(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.

[Regulation 46 amended: Gazette 13 Dec 2016 p. 5672.]

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 the water service works prescribed under subregulation (2) —

(a) trenchless excavations;

(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
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

[Regulation 47 amended: Gazette 13 Dec 2016 p. 5672.]

Subdivision 5 — Approval and prohibition of fittings, fixtures, pipes, materials and methods

*[**48.** Deleted: Gazette 13 Dec 2016 p. 5672.]*

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.

(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.

Subdivision 6 — Licensed plumbers

*[**50.** Deleted: Gazette 13 Dec 2016 p. 5672.]*

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).

Division 5 — Fire service connections and fire hydrants

[Heading inserted: Gazette 13 Dec 2016 p. 5672.]

Subdivision 1 — Fire service connections

[Heading inserted: Gazette 13 Dec 2016 p. 5672.]

51A. This Subdivision applies to water corporation licensees only

This Subdivision applies to, and in respect of, water corporation licensees only.

[Regulation 51A inserted: Gazette 13 Dec 2016 p. 5672.]

51B. Water supplied through fire service connection to be used only for emergency purposes

(1) A person must not use water supplied through a fire service connection other than for emergency purposes.

Penalty for this subregulation: a fine of $1 000.

(2) An owner of land to which a water supply service (fire) is provided must ensure that water supplied to the land through the fire service connection is not used other than for emergency purposes.

Penalty for this subregulation: a fine of $1 000.

(3) This regulation does not apply if the water used was taken, or permitted to be taken, under section 89 of the Act.

[Regulation 51B inserted: Gazette 13 Dec 2016 p. 5673.]

51C. Seals on water service connections

As soon as practicable after becoming aware that any seal affixed by the licensee to a fire service connection through which water is, or is to be, supplied to land is broken, the owner of the land must inform the licensee in writing.

Penalty: a fine of $1 000.

[Regulation 51C inserted: Gazette 13 Dec 2016 p. 5673.]

Subdivision 2 — Fire hydrants

[Heading inserted: Gazette 13 Dec 2016 p. 5673.]

52. Taking water from fire hydrants: emergency purposes

For the purposes of section 97(1) of the Act, the following are prescribed purposes —

(a) fire fighting;

(b) dealing with an emergency (including a hazardous materials spill) other than a fire;

(c) essential training for fire fighting;

(d) testing fire fighting equipment;

(e) testing a fire service connection.

[Regulation 52 inserted: Gazette 13 Dec 2016 p. 5673-4.]

Division 6 — Discharge of trade waste

[Heading inserted: Gazette 13 Dec 2016 p. 5674.]

[Subdivision 1 (r. 53) deleted: Gazette 13 Dec 2016 p. 5674.]

[Subdivision 2 heading deleted: Gazette 13 Dec 2016 p. 5674.]

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.

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 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.

(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 Corporation's 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).

[Regulation 57 amended: Gazette 27 Jun 2014 p. 2360.]

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

Note for this subregulation:

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.** Deleted: Gazette 13 Dec 2016 p. 5674.]*

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,

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.

(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.

Division 9 — Water service charges: information and records, objections and review

63A. This Division applies to water corporation licensees only

This Division applies to, and in respect of, Water Corporation licensees only.

[Regulation 63A inserted: Gazette 13 Dec 2016 p. 5674.]

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.

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) Unless subregulation (5) applies, the licensee must —

(a) make the records available for inspection by any person, without charge; and

(b) give a copy of particular records to a person with a material interest in them, on payment of the charge (if any) for giving a copy of the records.

(4A) The charge referred to in subregulation (4)(b) is, if the licensee is the Water Corporation, the charge set out in the *Water Services (Water Corporations Charges) Regulations 2014* Schedule 7 item 15.

(5) The licensee must not make a record relating to a customer available for inspection by a person under subregulation (4), or give a copy of a particular record relating to the customer to a person under subregulation (4), if doing so would disclose information that the customer has requested be kept confidential because the customer believes that disclosure of the information

could increase the risk of family violence to the customer or a person associated with the customer.

(6) Subregulation (5) does not apply if the customer consents to the information being disclosed to the person.

[Regulation 65 amended: Gazette 27 Jun 2014 p. 2360; 13 Dec 2016 p. 5675; 14 Jun 2019 p. 2006; SL 2020/240 r. 6; SL 2021/80 r. 15.]

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.

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.

(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, within 10 working days, refer the relevant records to the State Administrative Tribunal for a review.

(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.

[Regulation 69 amended: Gazette 27 Jun 2014 p. 2360.]

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, within 10 working days, 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.

[Regulation 70 amended: Gazette 27 Jun 2014 p. 2360.]

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.

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.

Part 5 — Water use restrictions and water management efficiency plans

[Heading amended: Gazette 13 Dec 2016 p. 5675.]

Division 1 — Water use restrictions for scheme water

[Heading inserted: Gazette 13 Dec 2016 p. 5675.]

76. Terms used

In this Division —

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, 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 7 successive days beginning with Sunday.

[Regulation 76 amended: Gazette 13 Dec 2016 p. 5675.]

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.

(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 for emergency purposes.

(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.

[Regulation 79 amended: Gazette 13 Dec 2016 p. 5676.]

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.

(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 6 months 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.

[Regulation 80 amended: Gazette 13 Dec 2016 p. 5676.]

Division 2 — Water efficiency management plans for water supplied by certain licensees

[Heading inserted: Gazette 13 Dec 2016 p. 5676.]

Subdivision 1 — Preliminary

[Heading inserted: Gazette 13 Dec 2016 p. 5676.]

80A. This Subdivision does not apply to all licensees

This Division applies to, and in respect of, water supplied by the following licensees only —

(a) a water corporation licensee;

(b) Hamersley Iron Pty Ltd (ABN 49 004 558 276);

(c) Robe River Mining Company Pty Ltd (ABN 71 008 694 246).

[Regulation 80A inserted: Gazette 13 Dec 2016 p. 5676.]

80B. Terms used

In this Division —

approved plan, in relation to a consumer, means a water efficiency management plan for a non-residential lot —

(a) to which a water supply service is provided by a licensee; and

(b) in respect of which an approval is in effect under regulation 80I;

consumer, in relation to a licensee that provides a water supply service to a non-residential lot, means any of the following —

(a) an owner of the lot;

(b) an occupier of the lot;

(c) another person who —

(i) is liable under the Act, or under an agreement with the owner of the lot, to pay the whole or a part of the water service charges for, or in relation to, the provision of that service; or

(ii) is authorised by an owner of the lot to receive bills for water service charges for, or in relation to, the provision of that service;

consumption year, in relation to a non-residential lot —

(a) in relation to a licensee that is a water corporation — has the meaning given in respect of that water corporation under the *Water Services (Water Corporations Charges) Regulations 2014*; or

(b) in relation to other licensees — means a financial year;

non-residential lot has the meaning given in the *Water Services (Water Corporations Charges) Regulations 2014* regulation 6;

revised plan means a water efficiency management plan revised under regulation 80F, 80G(3) or 80H(3);

water efficiency management plan or ***plan*** means a plan described in regulation 80C.

[Regulation 80B inserted: Gazette 13 Dec 2016 p. 5677-8; amended: Gazette 15 Sep 2017 p. 4796.]

80C. What is a water efficiency management plan

(1) A water efficiency management plan is a plan for ensuring that water supplied by a licensee to a non-residential lot is used as efficiently as practicable.

(2) A water efficiency management plan submitted by a consumer must —

(a) be in a form approved by the licensee; and

(b) be in compliance with any notice given to the consumer under regulation 80E(1), 80G(1) or 80H(1)(c); and

(c) contain the following —

(i) the full name and address of each owner and occupier of the non-residential lot the subject of the plan;

(ii) a description of the nature of any business or other work being conducted on that lot;

(iii) details of the measures comprising the plan, including proposed timeframes for implementing each of those measures;

(iv) the estimated savings in water use under the plan;

(v) the substance of the most recent report (if any) prepared under regulation 80L or 80M in relation to the lot.

[Regulation 80C inserted: Gazette 13 Dec 2016 p. 5678-9.]

80D. Extension of time to comply with certain provisions

(1) This regulation applies where —

(a) it is an offence under regulation 80E(2), 80G(3), 80H(3), 80L(1) or (4) or 80M(2) (the ***offence***) for a consumer to fail to submit a plan or report or to provide further information to a licensee, within a specified period (the ***period***); and

(b) in a particular case it is not practicable for the consumer to submit the plan or report or to provide the further information within the period.

(2) A consumer may, before the end of the period, make a written application to a licensee to extend a period.

(3) The licensee may, on an application under this regulation, extend the period.

(4) The consumer does not commit the offence if the consumer provides the plan, report or information, as is relevant, to the licensee within the extended period.

[Regulation 80D inserted: Gazette 13 Dec 2016 p. 5679.]

Subdivision 2 — Requirements to provide water efficiency management plans

[Heading inserted: Gazette 13 Dec 2016 p. 5679.]

80E. Licensee may require water efficiency management plan

(1) A licensee may, by written notice given to a consumer, require the consumer to prepare and submit to the licensee for approval a water efficiency management plan for a consumption year (the ***plan year***) for a non-residential lot to which the licensee provides a water supply service unless —

(a) the lot was supplied by the licensee with less than 20 mL of water in the consumption year immediately before the plan year; or

(b) there is currently an approved plan for the non-residential lot.

(2) A consumer given notice under subregulation (1) must prepare a water efficiency management plan in accordance with the notice and submit it to the licensee for approval within 90 days after the day the notice is given to the consumer.

Penalty for this subregulation: a fine of $2 000.

[Regulation 80E inserted: Gazette 13 Dec 2016 p. 5679-80.]

80F. Revised plans

A consumer who has submitted a water efficiency management plan for a non-residential lot to a licensee may prepare a revised plan for the lot and submit it to the licensee for approval at any time, whether or not there is currently an approved plan for the lot.

[Regulation 80F inserted: Gazette 13 Dec 2016 p. 5680.]

80G. Licensee may require revised plan in some circumstances

(1) A licensee may, by written notice given to a consumer who has an approved plan, require the consumer to prepare and submit to the licensee for approval a revised water efficiency management plan in respect of a non-residential lot if —

(a) since the approval of the current approved plan for the lot there has been a significant change in —

(i) the use of water supplied to the lot; or

(ii) the quantity of water available for supply to the lot;

or

(b) the licensee is of the opinion that it is necessary or desirable to revise the approved water efficiency management plan —

(i) on the basis of a report under regulation 80L(1) or 80M(1); or

(ii) for any other reason.

(2) Notice given under subregulation (1) may specify measures that are to be included in the revised plan, including timeframes for implementing each specified measure.

(3) A consumer given notice under subregulation (1) must prepare a revised plan in accordance with the notice and submit it to the licensee within 60 days after the day the notice is given to the consumer.

Penalty for this subregulation: a fine of $2 000.

[Regulation 80G inserted: Gazette 13 Dec 2016 p. 5680-1.]

Subdivision 3 — Approval of water efficiency management plans

[Heading inserted: Gazette 13 Dec 2016 p. 5681.]

80H. Approval of water efficiency management plan

(1) Within 60 days after a water efficiency management plan, or a revised plan, is submitted by a consumer the licensee must, by written notice given to the consumer —

(a) approve the plan in the form submitted; or

(b) request further information from the consumer relating to the plan, including the consumer's comments on any specific amendments to the plan the licensee considers might be necessary and specifies in the notice; or

(c) request a revised plan in accordance with any instructions specified in the notice.

(2) If a consumer submits to a licensee a revised plan in respect of a non-residential lot while the licensee is considering a plan already submitted by the consumer in respect of the lot (the ***earlier plan***) then the licensee is not required to comply with subregulation (1) in respect of the earlier plan.

(3) Within 30 days after receiving a notice under subregulation (1)(b) or (c), the consumer must comply with the notice.

Penalty for this subregulation: a fine of $2 000.

[Regulation 80H inserted: Gazette 13 Dec 2016 p. 5681-2.]

80I. Period for which approval has effect

The approval of a water efficiency management plan for a non-residential lot has effect for a period commencing on and from the day on which the plan is approved under regulation 80H(1)(a) until whichever of the following occurs first —

(a) the consumer that submitted the plan for approval to the licensee ceases to be a consumer of the licensee in respect of the lot;

(b) the approval is revoked under regulation 80J;

(c) a revised plan is approved under regulation 80H(1)(a);

(d) a period of 5 years elapses after the approval was given.

[Regulation 80I inserted: Gazette 13 Dec 2016 p. 5682.]

80J. Revocation of approval of plan

(1) A consumer may, in a form approved by the licensee, make an application for the licensee to revoke the approval of a water efficiency management plan.

(2) On an application under subregulation (1), the licensee may revoke an approval if satisfied that —

(a) the lot was supplied with less than 20 mL of water in the consumption year immediately before the consumption year in which the application was made; and

(b) the consumer intends to use less than 20 mL of water in the consumption year in which the application is made.

[Regulation 80J inserted: Gazette 13 Dec 2016 p. 5682-3.]

Subdivision 4 — Consumer to comply with approved plan and to report to licensee

[Heading inserted: Gazette 13 Dec 2016 p. 5683.]

80K. Consumer must comply with approved plan

A consumer that has an approved plan for a non-residential lot must comply with the plan.

Penalty: a fine of $2 000.

[Regulation 80K inserted: Gazette 13 Dec 2016 p. 5683.]

80L. Annual report on approved plan

(1) A consumer is to prepare and submit to the licensee a report (the ***annual report***) on the efficacy of an approved plan for a non-residential lot for every year that the plan has effect under regulation 80I, within 60 days of the anniversary of the day on which the consumer received notice under regulation 80E(1), to prepare and submit a plan for the lot.

Penalty for this subregulation: a fine of $2 000.

(2) An annual report is to be in a form approved by the licensee and is to —

(a) compare the use of water supplied to the lot during the period to which the report relates against the estimated savings in water use under the plan for that period; and

(b) contain any other information relating to the efficacy of the plan that the licensee reasonably requires, as specified in —

(i) any notice given to the consumer under regulation 80E(1), 80G(1) or 80H(1)(b) or (c); or

(ii) any other written notice served on the consumer for the purposes of this paragraph.

(3) Within 90 days after an annual report is submitted to a licensee, the licensee may, by written notice given to the consumer, request any further information from the consumer relating to the efficacy of the plan that the licensee reasonably requires.

(4) Within 30 days after receiving a notice under subregulation (3), the consumer must comply with the notice.

Penalty for this subregulation: a fine of $2 000.

[Regulation 80L inserted: Gazette 13 Dec 2016 p. 5683-4.]

80M. Other reports on approved plan may be required by licensee

(1) If a licensee suspects, on reasonable grounds, that a consumer has not complied, or is not complying, with an approved plan,

the licensee may, by written notice given to the consumer, require the consumer to prepare and submit to the licensee a written report on the implementation of the plan.

(2) Within 30 days after receiving a notice under subregulation (1), the consumer must comply with the notice.

Penalty for this subregulation: a fine of $2 000.

[Regulation 80M inserted: Gazette 13 Dec 2016 p. 5684.]

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 10.58% per annum.

[Regulation 82 amended: Gazette 27 Jun 2016 p. 2616; 23 Jun 2017 p. 3402; SL 2020/95 r. 12; SL 2021/80 r. 16; SL 2023/66 r. 14; SL 2024/117 r. 4; SL 2025/101 r. 4; SL 2026/111 r. 5.]

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 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 ...	an amount equal to the lodging fee plus the cost of preparing the memorial
	(b) for lodging a withdrawal of 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 ...	an amount equal to the lodging fee plus the cost of preparing the memorial
	(b) for lodging a withdrawal of memorial	an amount equal to the withdrawal fee
3.	For the Busselton Water Corporation —	

Item	Description	Amount
	(a) for lodging a memorial ...	an amount equal to the lodging fee plus the cost of preparing the memorial
	(b) for lodging a withdrawal of memorial	an amount equal to the withdrawal fee plus the cost of preparing the withdrawal

[Regulation 83 amended: Gazette 27 Jun 2016 p. 2616; 14 Jun 2019 p. 2006; SL 2022/82 r. 26.]

83A. Exempt works

Water service works, other than major works as defined in section 132 of the Act, are prescribed for the purposes of section 135(1)(f) of the Act if the works are exempt works under paragraph (b)(iii) of the definition of ***exempt works*** in the *Water Agencies (Powers) Act 1984* section 86.

[Regulation 83A inserted: Gazette 13 Dec 2016 p. 5685.]

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 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*.

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.** Omitted under the Reprints Act 1984 s. 7(4)(f).]*

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* [2] 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).

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* [1] section 62D or 108 or the *Water Services Licensing Act 1995* [3] 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* [1] section 62D or 108 or the *Water Services Licensing Act 1995* [3] 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* [1] 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,

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*[4]; and

(b) the *Harvey, Waroona and Collie River Irrigation Districts By-laws 1975*[4]; and

(c) the *Ord Irrigation District By-laws 1963*[4]; and

(d) the *Water Agencies (Preston Valley Irrigation Services) By-laws 1969*[4].

(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 subregulation, 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.

(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 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
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 for this regulation:

The plans are accessible on the Department's website.

Division 2 — Provisions for the *Water Services Legislation Amendment Regulations 2016*

[Heading inserted: Gazette 13 Dec 2016 p. 5685.]

97. Terms used

In this Division —

commencement day means the day on which the *Water Services Legislation Amendment Regulations 2016* regulation 3 comes into operation;

former approved plan means a scheme water efficiency management plan an approval for which was in force under the former provisions immediately before commencement day;

former provisions means the *Water Agencies (Water Use) By-laws 2010* Part 3 as in force immediately before commencement day.

[Regulation 97 inserted: Gazette 13 Dec 2016 p. 5685.]

98. Scheme water efficiency management plans

On and after commencement day —

(a) a former approved plan continues to have effect according to its terms as if it was an approved plan under Part 5 Division 2 of these regulations;

(b) a scheme water efficiency management plan, a revised plan or an amended plan, submitted to a licensee, but not dealt with under by-law 21 of the former provisions, immediately before commencement day is to be dealt with as if it had been submitted under these regulations;

(c) a notice given under by-law 20(2), 21(2), 25(2), 27(1) or 29(2)(b)(ii) or (3) of the former provisions that has not been complied with before commencement day

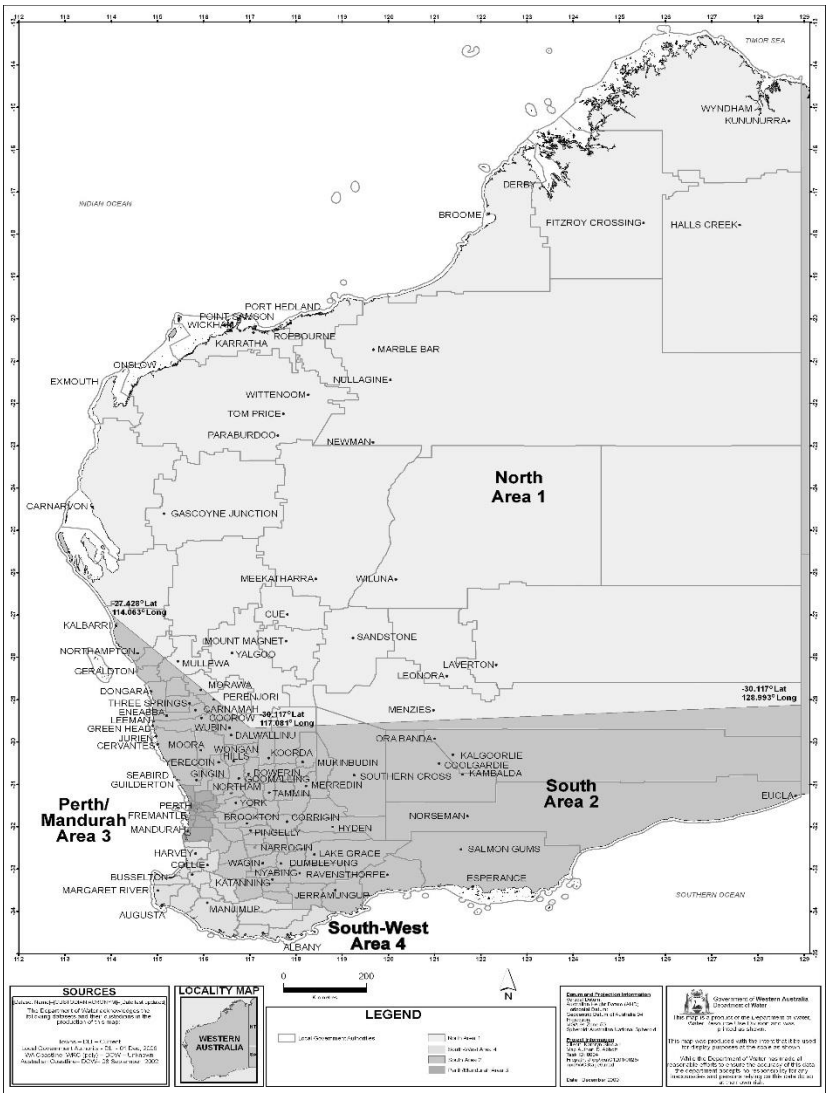
continues to have effect according to its terms as if it was a notice given under regulation 80E(1), 80G(1), 80H(1)(b) or (c), 80L(2)(b)(ii) or (3) or 80M(1) of these regulations respectively;

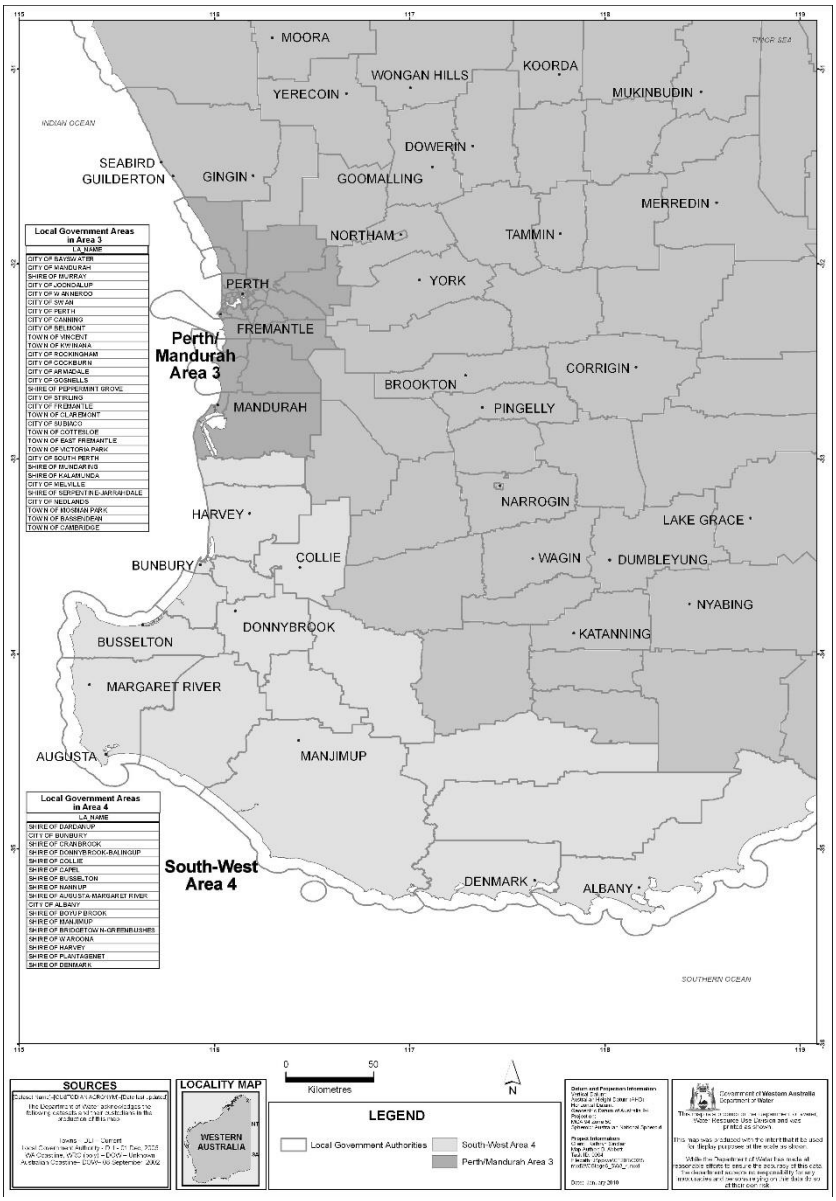
(d) a report about a former approved plan submitted under by-law 25 or 29 of the former provisions is taken to be a report made under regulation 80L(1) or 80M(1) of these regulations respectively.

[Regulation 98 inserted: Gazette 13 Dec 2016 p. 5686.]

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

[r. 76]




MOORA
WONGAN HILLS
KOORDA
YERECOIN
MUKINBUDIN
INDIAN OCEAN
TIMOR SEA
DOWERIN
SEABIRD
GUILDERTON
GINGIN
GOOMALLING
MERREDIN
NORTHAM
TAMMIN
YORK
PERTH
FREMANTLE
Perth/
Mandurah
Area 3
BROOKTON
CORRIGIN
MANDURAH
PINGELLY
NARROGIN
HARVEY
LAKE GRACE
COLLIE
WAGIN
DUMBLEYUNG
BUNBURY
NYABING
DONNYBROOK
KATANNING
BUSSELTON
MARGARET RIVER
AUGUSTA
MANJIMUP
South-West
Area 4
DENMARK
ALBANY
SOUTHERN OCEAN
Local Government Areas in Area 3
LA NAME
CITY OF BAYSWATER
CITY OF MANDURAH
SHIRE OF MURRAY
CITY OF JOONDALUP
CITY OF WANNEROO
CITY OF SWAN
CITY OF PERTH
CITY OF CANNING
CITY OF MELBOURNE
TOWN OF VINCENT
TOWN OF KWINANA
CITY OF ROCKINGHAM
CITY OF COCKBURN
CITY OF ARMADALE
CITY OF GOSNELLS
SHIRE OF PEPPERMINT GROVE
CITY OF STIRLING
CITY OF FREMANTLE
TOWN OF CLAREMONT
CITY OF SUBIACO
TOWN OF COTTESLOE
TOWN OF EAST FREMANTLE
TOWN OF VICTORIA PARK
CITY OF SOUTH PERTH
SHIRE OF BLUEWATERS
SHIRE OF KALAMUNDA
CITY OF MELVILLE
SHIRE OF SERPENTINE-JARRAHDALE
CITY OF NEDLANDS
TOWN OF MOSMAN PARK
TOWN OF BASSENDEAN
TOWN OF CAMBRIDGE
Local Government Areas in Area 4
LA NAME
SHIRE OF DARDANUP
CITY OF BUNBURY
SHIRE OF CAPEL
SHIRE OF DONNYBROOK-BALINGUP
SHIRE OF COLLIE
SHIRE OF BUSSELTON
SHIRE OF MANJIMUP
SHIRE OF AUGUSTA-MARGARET RIVER
CITY OF ALBANY
SHIRE OF BOYUP BROOK
SHIRE OF MANJIMUP
SHIRE OF BRIDGETOWN-GREENBUSHES
SHIRE OF WAROONA
SHIRE OF HARVEY
SHIRE OF PLANTAGENET
SHIRE OF DENMARK
SOURCES
LOCALITY MAP
WESTERN AUSTRALIA
0
50
Kilometres
N
LEGEND
Local Government Authorities
South-West Area 4
Perth/Mandurah Area 3

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.

(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,

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.

(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.

(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.

(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,

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.

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

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

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

Schedule 4 — Fees

[r. 84]

[Heading inserted: SL 2026/111 r. 6.]

1. General fees applicable 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.	Dealing with a notice of proposed construction or alteration under section 82 of the Act, in relation to land —	
	(a) to construct or alter a dwelling.....	$119.79
	(b) to construct or alter a building in the area associated with a single dwelling (including a pool or garage), if the land is sewered.....	$119.79
	(c) to construct or alter a multi-residential dwelling.....	$219.10
	(d) to construct or alter a building other than a dwelling or building covered by paragraph (a), (b) or (c).....	$281.20

(2) For the purposes of the Table to subclause (1), land is sewered 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.

[Clause 1 inserted: SL 2026/111 r. 6.]

2. Fees applicable to water corporations (Act s. 95)

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

Table

Item	Description	Fee
In relation to the Water Corporation		
1.	Restoring a supply of water to land after it has been cut off	$248.55
2.	Restoring a supply of water to land after the rate of flow has been reduced — (a) between 7 am and 4 pm any day except a Saturday, Sunday or public holiday ..... (b) at any other time.....	 $248.55 $394.96
In relation to the Bunbury Water Corporation		
3.	Restoring a supply of water to land after it has been cut off	$201.50
4.	Restoring a supply of water to land after the rate of flow has been reduced	$201.50
In relation to the Busselton Water Corporation		
5.	Restoring a supply of water to land after it has been cut off	$322.91
6.	Restoring a supply of water to land after the rate of flow has been reduced	$42.42

[Clause 2 inserted: SL 2026/111 r. 6.]

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. 39(1)	Entering, swimming, bathing or washing anything in water supply works	$400
r. 39(2)	Without lawful authority, bringing an animal, or allowing an animal to enter or remain, on land where water supply works of a licensee are provided or are located and that is not open to the public	$400
r. 40(1)	Without lawful authority, camping on land controlled by a licensee or on which water service works are located other than in an area designated by authorised signs and in accordance with those signs	$400
r. 40(2)	Without lawful authority, lighting, kindling, maintaining or using a campfire, barbeque or portable stove, or assisting another person to do so, on land controlled by a licensee or on which water service works are located other than in an area designated by authorised signs	$400

	Offences	**Modified penalty**
r. 40A(2)	Without lawful authority, taking, or attempting to take (including by shooting, hunting or fishing) an animal in a prohibited area for a licensee's reservoir	$400
r. 41(2)	Littering on land controlled by a licensee or where water service works are located	$200
r. 51B(1)	Using water supplied through a fire service connection other than for emergency purposes	$100
r. 51B(2)	Owner of land failing to ensure that water supplied through a fire service connection is used only for emergency purposes	$100
r. 77	Use of scheme water in contravention of restrictions	$100

[Division 1 amended: Gazette 13 Dec 2016 p. 5687-8.]

Division 2 — Prescribed offences and modified penalties: forms

Form 1 — Infringement notice

<table>
<tr><td colspan="3">Water Services Act 2012
Water Services Regulations 2013
INFRINGEMENT NOTICE</td><td>Infringement notice no.</td></tr>
<tr><td rowspan="2">Alleged offender</td><td>Name</td><td colspan="2"></td></tr>
<tr><td>Address</td><td colspan="2"></td></tr>
<tr><td rowspan="4">Details of alleged offence

[*Delete whichever is not applicable]</td><td>Date or period</td><td colspan="2"></td></tr>
<tr><td>Place</td><td colspan="2"></td></tr>
<tr><td>Written law contravened</td><td colspan="2">*Section of the Water Services Act 2012
or
*Regulation of the Water Services Regulations 2013</td></tr>
<tr><td>Details of offence[1]</td><td colspan="2"></td></tr>
<tr><td>Date of issue</td><td>Date of issue</td><td colspan="2"></td></tr>
<tr><td rowspan="2">Issuing officer</td><td>Name</td><td colspan="2"></td></tr>
<tr><td>Office</td><td colspan="2"></td></tr>
<tr><td>Modified penalty</td><td colspan="3">$</td></tr>
<tr><td rowspan="2">Penalty</td><td>Individual</td><td>$</td><td rowspan="2">You do not have to pay this amount. This is the maximum fine that can be imposed if you</td></tr>
<tr><td>Body corporate</td><td>$</td></tr>
</table>

			are prosecuted in a court and convicted of this offence.
TAKE NOTICE	It is alleged that you have committed the above offence. **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. **If you do not pay** the modified penalty within the 28 days, you may be prosecuted or enforcement action may be taken under the *Fines, Penalties and Infringement Notices Enforcement Act 1994*. 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, you may be disqualified from holding or obtaining a driver's licence or vehicle licence, your vehicle may be immobilised or have its number plates removed, your details may be published on a website, your earnings or bank accounts may be garnished, and your property may be seized and sold. **If you need more time** to pay the modified penalty, you should contact the Approved Officer at the address below. Paying the modified penalty will not be regarded as an admission for the purposes of any civil or criminal court case. **If you want this matter to be dealt with by prosecution in court**, sign and date here: _____ / /20 and post this notice to the Approved Officer at the address below within 28 days after the date of this notice. 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 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.		

<table>
<tr><td rowspan="4">How to pay</td><td colspan="3">By post
Tick the relevant box below and post this notice to:
Approved Officer — Water Services Act 2012
[Address]
☐ I want to pay the modified penalty. A cheque or money order (payable to Approved Officer — Water Services Act 2012) for the modified penalty is enclosed.
☐ I want to pay the modified penalty by credit card. Please debit my credit card account.[2]
[details[3]]
Complete all details</td></tr>
<tr><td colspan="3">In person[2]
Pay the cashier at:
[Address]</td></tr>
<tr><td colspan="3">Electronically[2]
[details[3]]</td></tr>
<tr><td>Method of service[2]</td><td></td><td>Date of service</td><td></td></tr>
</table>

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.

[Form 1 amended: Gazette 13 Dec 2016 p. 5688; SL 2020/173 r. 8.]

Form 2 — Withdrawal of infringement notice

<table>
<tr><td colspan="3">Water Services Act 2012
Water Services Regulations 2013
WITHDRAWAL OF INFRINGEMENT NOTICE</td><td>Infringement notice no.</td></tr>
<tr><td rowspan="2">Alleged offender</td><td>Name</td><td colspan="2"></td></tr>
<tr><td>Address</td><td colspan="2"></td></tr>
<tr><td rowspan="2">Details of infringement notice</td><td>Infringement notice no.</td><td colspan="2"></td></tr>
<tr><td>Date of issue</td><td colspan="2"></td></tr>
<tr><td rowspan="4">Details of alleged offence
[*Delete whichever is not applicable]</td><td>Date or period</td><td colspan="2"></td></tr>
<tr><td>Place</td><td colspan="2"></td></tr>
<tr><td>Written law contravened</td><td colspan="2">*Section of the Water Services Act 2012
or
*Regulation of the Water Services Regulations 2013</td></tr>
<tr><td>Details of offence</td><td colspan="2"></td></tr>
<tr><td rowspan="3">Approved Officer withdrawing notice</td><td>Name</td><td colspan="2"></td></tr>
<tr><td>Office</td><td colspan="2"></td></tr>
<tr><td>Signature</td><td colspan="2"></td></tr>
<tr><td>Date</td><td>Date of withdrawal</td><td colspan="2"></td></tr>
</table>

Withdrawal of infringement notice *[*Delete whichever is not applicable]*	The above infringement notice issued against you for the above alleged offence has been withdrawn. If you have already paid the modified penalty for the alleged offence, you are entitled to a refund. *Your refund is enclosed or *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: Approved Officer — *Water Services Act 2012* [*Address*] Your signature Date

Schedule 6 — Form of warrant to enter

[r. 88]

Form of warrant to enter: s. 189

<table>
<tr><td colspan="3">*Water Services Act 2012* s. 188</td><td colspan="3">Warrant to enter a place</td></tr>
<tr><td rowspan="2">Applicant’s details</td><td>Name</td><td colspan="4"></td></tr>
<tr><td>Official title</td><td colspan="4"></td></tr>
<tr><td>Authorising or designating authority of applicant</td><td colspan="5"></td></tr>
<tr><td>Application</td><td colspan="5">The applicant has applied under the Water Services Act 2012 s. 185 to me, a Justice of the Peace, for a warrant to enter a place and there perform certain functions.</td></tr>
<tr><td>Warrant</td><td colspan="5">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.</td></tr>
<tr><td>Place to be entered[1]</td><td colspan="5"></td></tr>
<tr><td>Functions to be performed on entry[2]</td><td colspan="5"></td></tr>
<tr><td>Execution period[3]</td><td colspan="5">This warrant may be executed between [date] and [date].</td></tr>
<tr><td rowspan="2">Issuing details</td><td>Name of JP</td><td colspan="4"></td></tr>
<tr><td>Date</td><td></td><td>Time</td><td colspan="2"></td></tr>
<tr><td>JP’s signature</td><td colspan="5">Issued by me on the above date and at the above time.

Justice of the Peace</td></tr>
</table>

<table>
<tr><td rowspan="4">Execution details[4]</td><td>Start</td><td>Date: Time:</td><td>End</td><td colspan="2">Date: Time:</td></tr>
<tr><td colspan="5">Occupier present? Yes/No
Search audiovisually recorded? Yes/No</td></tr>
<tr><td colspan="5">Brief details of any vehicles, machinery and significant equipment used in the entry or in the performance of the functions:</td></tr>
<tr><td colspan="5">Details of other persons authorised (under the Water Services Act 2012 s. 179) to assist the authorised person in the entry or in the performance of the functions:</td></tr>
<tr><td rowspan="2">Person in charge of execution</td><td>Name</td><td colspan="4"></td></tr>
<tr><td>Official title</td><td colspan="4"></td></tr>
</table>

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.

Notes

This is a compilation of the *Water Services Regulations 2013* and includes amendments made by other written laws. For provisions that have come into operation see the compilation table. For provisions that have not yet come into operation see the uncommenced provisions table.

Compilation table

Citation	Published	Commencement
Water Services Regulations 2013	14 Nov 2013 p. 5103-204	Regulations other than r. 30: 18 Nov 2013 (see r. 2(b) and *Gazette* 14 Nov 2013 p. 5027); r. 30: 1 Jul 2014 (see r. 2(a) and *Gazette* 14 Nov 2013 p. 5028)
Water Services Amendment Regulations 2014	27 Jun 2014 p. 2358-61	r. 1 and 2: 27 Jun 2014 (see r. 2(a)); Regulations other than r. 1, 2, 4, 6, 8 and 11: 28 Jun 2014 (see r. 2(c)); r. 4, 6, 8 and 11: 1 Jul 2014 (see r. 2(b))
Water Services Amendment Regulations (No. 3) 2014	15 Oct 2014 p. 3995-7	r. 1 and 2: 15 Oct 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Nov 2014 (see r. 2(b))
Water Services Amendment Regulations (No. 2) 2014	30 Dec 2014 p. 5508-9	r. 1 and 2: 30 Dec 2014 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jan 2015 (see r. 2(b))
Water Services Amendment Regulations 2015	30 Jun 2015 p. 2352-3	r. 1 and 2: 30 Jun 2015 (see r. 2(a)); Regulations other than r. 1 and 2: 1 Jul 2015 (see r. 2(b))
Water Services Amendment (Fees and Charges) Regulations 2016 Pt. 3	27 Jun 2016 p. 2531-620	1 Jul 2016 (see r. 2(b))
Water Services Legislation Amendment Regulations 2016 Pt. 2	13 Dec 2016 p. 5659-94	14 Dec 2016 (see r. 2(b))
Water Services Regulations Amendment (Fees and Charges) Regulations 2017 Pt. 3	23 Jun 2017 p. 3317-403	1 Jul 2017 (see r. 2(b))

Citation	Published	Commencement
Reprint 1: The *Water Services Regulations 2013* as at 28 Jul 2017 (includes amendments listed above)		
Water Legislation Amendment Regulations 2017 Pt. 5	15 Sep 2017 p. 4794-6	16 Sep 2017 (see r. 2(b))
Water Services Regulations Amendment (Fees and Charges) Regulations 2018 Pt. 3	22 Jun 2018 p. 2211-95	1 Jul 2018 (see r. 2(b))
Water Services Regulations Amendment (Fees and Charges) Regulations 2019 Pt. 3	14 Jun 2019 p. 1929-2010	1 Jul 2019 (see r. 2(b))
Water Regulations Amendment (Strata Titles) Regulations 2019 Pt. 2	31 Dec 2019 p. 4663-5	1 May 2020 (see r. 2(b) and SL 2020/39 cl. 2)
Water Services Regulations Amendment (Fees and Charges) Regulations 2020 Pt. 3	SL 2020/95 26 Jun 2020	1 Jul 2020 (see r. 2(b))
Water Regulations Amendment (Infringement Notices) Regulations 2020 Pt. 4	SL 2020/173 25 Sep 2020	29 Sep 2020 (see r. 2(b) and SL 2020/159 cl. 2(a))
Water Services Amendment Regulations 2020	SL 2020/240 4 Dec 2020	r. 1 and 2: 4 Dec 2020 (see r. 2(a)); Regulations other than r. 1 and 2: 5 Dec 2020 (see r. 2(b))
Water Regulations Amendment (Community Titles) Regulations 2021 Pt. 2	SL 2021/79 18 Jun 2021	30 Jun 2021 (see r. 2(b) and SL 2021/69 cl. 2)
Water Services Regulations Amendment (Fees and Charges) Regulations 2021 Pt. 3	SL 2021/80 18 Jun 2021	1 Jul 2021 (see r. 2(b))
Water Services Regulations Amendment (Fees and Charges) Regulations 2022 Pt. 3	SL 2022/82 17 Jun 2022	1 Jul 2022 (see r. 2(b))
Water Services Regulations Amendment (Fees and Charges) Regulations 2023 Pt. 3	SL 2023/66 16 Jun 2023	1 Jul 2023 (see r. 2(b))
Water Services Regulations Amendment (Fees and Charges) Regulations 2024 Pt. 2	SL 2024/117 26 Jun 2024	1 Jul 2024 (see r. 2(b))
Water Services Regulations Amendment (Fees and Charges) Regulations 2025 Pt. 2	SL 2025/101 25 Jun 2025	1 Jul 2025 (see r. 2(b))

Citation	Published	Commencement
Water Services Regulations Amendment (Fees and Charges) Regulations 2026 Pt. 2	SL 2026/111 24 Jun 2026	1 Jul 2026 (see r. 2(b))

Uncommenced provisions table

To view the text of the uncommenced provisions see *Subsidiary legislation as made* on the WA Legislation website.

Citation	Published	Commencement
Water Services Amendment Regulations 2026 r. 3-6	SL 2026/229 11 Nov 2026	1 Dec 2026 (see r. 2(b))

Other notes

[1] The *Water Boards Act 1904* was repealed by the *Water Services Legislation Amendment and Repeal Act 2012* s. 201.

[2] The *Country Town Sewerage By-laws 1952* were repealed by the *Water Services Legislation Amendment and Repeal Act 2012* s. 200(b).

[3] Now known as the *Plumbers Licensing Act 1995*.

[4] Repealed by the *Water Services Legislation Amendment and Repeal Act 2012* s. 199.

Defined terms

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

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