

Version No. 002
Water Industry Regulations 2006
S.R. No. 159/2006
Version as at 11 April 2008

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PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are—

- (a) to provide for the custody, testing and replacement of water meters and methods of estimating water consumption; and
- (b) to prescribe procedures and standards to be complied with in relation to the carrying out of water supply work and sewerage work and the installation of works in connection with that work; and
- (c) to provide for the maintenance and protection of works relating to water supply and sewerage; and
- (d) to prescribe trade waste for the purposes of the **Water Industry Act 1994**; and
- (e) to regulate the discharge of trade waste including prescribing conditions of trade waste agreements and to provide for the termination of such agreements for non-compliance; and
- (f) to prescribe the rights given to a licensee on the creation of an easement or a reserve when land is subdivided; and
- (g) to prescribe the requirements for lodging notices in relation to the disposition of certain land; and

(h) to prescribe other matters authorised by the
Water Industry Act 1994.

2 Authorising provisions

These Regulations are made under sections 50, 51, 52, 53, 184 and 185(2) of the **Water Industry Act 1994.**

3 Commencement

These Regulations come into operation on 31 October 2006.

4 Revocations

The regulations listed in the Schedule are **revoked.**

5 Definitions

In these Regulations—

Act means **Water Industry Act 1994**;

backflow prevention device means a device to prevent the reverse flow of water from a potentially polluted source into a potable water supply system;

business day means a day that is not a holiday;

change includes alter, cut off, add to, replace, remove and reconstruct;

channel works include—

(a) channels and ancillary works; and

(b) the following related works—

bridges, siphons, inlets, outlets, regulators, controlling, metering, communication, power and telemetry devices, buried cables, culverts, subways, pipes, fittings, drains and drop structures;

construct includes erect, lay, place, build and fabricate;

excavate includes dig and cut;

fixture means a device the use or operation of which results in the discharge of sewage or trade waste or both;

inspect includes patrol;

licensee means the holder of a water or water and sewerage licence issued under Division 1 of Part 2 of the Act;

licensed plumber has the same meaning as a licensed plumber or a registered plumber under section 221B of the **Building Act 1993**;

maintain includes cleanse, flush, repair and, if necessary, remove;

matter includes timber and soil;

occupier, in relation to any land, includes a person who occupies or is in control of—

- (a) the land, whether or not that person owns the land; and
- (b) any part of the land, if different parts of the land are occupied by different persons;

pipeline works includes—

- (a) pipelines and ancillary works; and
- (b) the following related works—

marker posts, valves, valve chambers, housings, controlling, metering, communication, power and telemetry devices, buried cables, vertical surgepipes, air vessels, fittings, connections, anti-corrosion equipment, hatches, manholes,

inspection openings and pits, cleaning pits, scouring devices, drains, underground pumps and underground storage tanks;

plant includes machines, vehicles, equipment and materials;

private fire service means that part of a water service to a property to be used in an emergency to combat an outbreak of fire;

property service means the pipes and fittings used or intended to be used for the supply of water to a property from a water main of a licensee up to the stop valve at or near the inlet to a water meter or, if there is no water meter, to the first stop valve inside the property boundary;

relevant licensee, in relation to any property, thing or work, means the licensee permitted to perform functions under its licence in respect of the area within which—

- (a) that property or thing is situated or is to be situated; or
- (b) that work is being or is to be carried out;

sanitary drain means a line of pipes below ground level, including all fittings, conveying or intended to convey under gravity sewage or trade waste;

sanitary drainage work means sewerage work (excluding fixtures) external to a building;

sewage dump point means any receptacle for receiving waste from a privy, septic tank or chemical lavatory, including waste from any railway train, aircraft or bus;

sewerage work means work involved in the construction, alteration, extension, disconnection, removal, maintenance, repair or renewal of any sanitary drain or fixture connecting or intended to connect directly or indirectly with a sewer of a licensee;

soil includes earth, stone and gravel;

subway means an underground access way or underground conduit;

water supply work means work involved in the construction, alteration, extension, disconnection, removal, maintenance, repair or renewal of a property service connecting or intended to connect directly or indirectly with a water main of a licensee.

6 References to trade waste agreements

Any reference in these Regulations to a trade waste agreement includes a reference to—

- (a) a trade waste agreement with a licensee made under Division 3 of Part 3 of the Act; or
- (b) a trade waste agreement made under section 184A of the **Melbourne and Metropolitan Board of Works Act 1958** with Melbourne Water Corporation to which, by virtue of section 160 of the Act, a licensee is a party in place of Melbourne Water Corporation.

7 Default penalties

If at the foot of any regulation or subregulation the expression *default penalty* appears, it means that a person who is in contravention of that regulation or subregulation is—

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- (a) if the contravention continues after the service by a licensee on that person of a notice of the contravention under section 69 of the Act; or
 - (b) if no such notice is served, after conviction of the person for an offence against the regulation or subregulation—

liable to an additional penalty of not more than 1 penalty unit for each day on which the contravention continues after service of the notice or the person is convicted of the offence (as the case may be).

PART 2—WATER SUPPLY AND SEWERAGE

Division 1—Water supply

8 Custody of water meters

A licensed plumber to whom a water meter is supplied by the relevant licensee must keep it in safe custody and ensure that it is installed at the property for which it is supplied.

Penalty: 2 penalty units.

9 Testing of water meters

- (1) The owner or occupier of any property may request the relevant licensee to test the accuracy of any water meter installed on the property.
- (2) At the request of a person under subregulation (1), the relevant licensee must—
 - (a) replace the meter, if it is removed from the property for the purpose of testing; and
 - (b) cause the original meter to be tested in accordance with the National Measurement Regulations 1999 of the Commonwealth to determine the accuracy of operation of the meter; and
 - (c) notify the person in writing of the results of the tests within 5 business days after their completion.
- (3) If the original meter is found to be inaccurately registering the quantity of water passing through the meter at a rate of inaccuracy greater than that permitted by the National Measurement Regulations 1999 of the Commonwealth, the relevant licensee must make a proportionate reduction in the quantity of water to be charged to the owner or occupier of the property.

10 Estimation of water consumption

If any water meter becomes defective, registers incorrectly or is removed from a property for any reason, the relevant licensee may estimate the registration of water in any of the following ways—

- (a) by comparison with the quantity of water supplied to the property under similar conditions during some other period;
- (b) by comparison with the quantity of water supplied to the property after the meter has been replaced;
- (c) by applying a correction factor if the meter is found to have a consistent error of registration.

11 Owner to fit backflow prevention device

- (1) The owner of a property, on which there is a water service or a private fire service, must cause a licensed plumber to fit the service with a backflow prevention device approved by the relevant licensee in accordance with subregulation (2) if the relevant licensee requires such a device to be fitted.

Penalty: 3 penalty units.

- (2) For the purposes of subregulation (1), a backflow prevention device must be located in an accessible position at or near the property boundary at the outlet of—
 - (a) the water meter; or
 - (b) the stop valve, if a water meter is not fitted.

Division 2—Sewerage

12 Properties must be drained separately

Unless otherwise approved by the relevant licensee—

- (a) every property to be connected to a sewer of the relevant licensee must be drained separately to that sewer; and
- (b) the sanitary drain connecting any property to a sewer of a relevant licensee must be wholly within the curtilage of the property.

13 Protection of the licensee's sewers

- (1) If the relevant licensee considers that the carrying out of any sewerage work on any property may have threatened or may threaten the stability of a sewer, the licensee may direct the owner of the property or the person carrying out the work to take any steps reasonably specified by the licensee to safeguard the sewer and the proper functioning of the sewer.
- (2) A person to whom a direction is given under subregulation (1) must comply with the direction.

Penalty: 8 penalty units;

Default penalty: 1 penalty unit.

14 Connection point to be temporarily sealed

If, at the commencement of laying a sanitary drain, the caps, plugs or discs are removed from the relevant licensee's connection point, the licensed plumber responsible for the work must—

- (a) insert a removable plug in the connection point at the inspection opening outlet; and

- (b) must take all reasonable steps to ensure that the removable plug is kept in position until the work is accepted by the relevant licensee.

Penalty: 5 penalty units;

Default penalty: 1 penalty unit.

Division 3—Discharges to sewers

15 Trade waste

Nothing in this Division applies to any trade waste to which Part 3 applies.

16 Protection of sewers

Any person opening the ground of any property, declared in accordance with section 64(1) of the Act to be a serviced property for the purposes of the supply of sewerage services, must take all measures necessary to prevent anything prohibited by section 93 of the Act from gaining entry to the relevant licensee's sewers.

Penalty: 5 penalty units;

Default penalty: 1 penalty unit.

Division 4—Maintenance of works in connection with water supply and sewerage

17 Water supply

- (1) An owner of a property must take all reasonable steps to keep in repair and in good working order so that it operates in an efficient and hygienic manner—
- (a) all parts of the water service (including any backflow prevention device) for the property between the outlet valves at any fixtures and appliances and the outlet of the water meter or, if there is no water meter installed, to the

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- first stop valve inside the property boundary;
and
- (b) if the nominal diameter of the property service is greater than 50 millimetres, all parts of the property service between the main and the inlet to the water meter or, if there is no water meter installed, the inlet of the first stop valve inside the property boundary; and
 - (c) those parts of the water service for the property which are—
 - (i) private fire services; or
 - (ii) private extension or trunk services; or
 - (iii) property service pipes from private extensions or private fire services.

Penalty: 3 penalty units;

Default penalty: 1 penalty unit.

- (2) The relevant licensee must take all reasonable steps to keep any water meter or, if no water meter is installed, the first stop valve inside the boundary of a property in repair and good working order so that it operates in an efficient and hygienic manner.
- (3) The relevant licensee must take all reasonable steps to keep any property service to a property with a nominal diameter up to and including 50 millimetres in repair and good working order so that it operates in an efficient and hygienic manner.

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- (4) The relevant licensee may by written notice to the owner require the owner of a property—
- (a) to arrange for the testing of a backflow prevention device; and
 - (b) to provide the results of the test to the relevant licensee; and
 - (c) to arrange for the repair or replacement of the device if it is not operating efficiently.
- (5) The relevant licensee may by notice in writing require an owner of a property to replace any property service to the property which the owner is responsible for maintaining under subregulation (1)(b) if water is supplied to the property at a rate of less than 2 litres a minute.
- (6) An owner must comply with a requirement under subregulation (4) or (5).

Penalty: 3 penalty units;

Default penalty: 1 penalty unit.

18 Sewerage works

- (1) An owner must take all reasonable steps to keep all sanitary drains and fixtures on or serving the owner's property to the point of connection with the relevant licensee's sewerage works in repair and in good working order so that they operate in an efficient and hygienic manner.

Penalty: 3 penalty units;

Default penalty: 1 penalty unit.

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- (2) An occupier of a property on which a grease interceptor is installed must take all reasonable steps to keep the interceptor in repair and in good working order so that it operates in an efficient and hygienic manner.

Penalty: 3 penalty units;

Default penalty: 1 penalty unit.

PART 3—TRADE WASTE

19 Trade waste for the purposes of the Act

- (1) The following waste is prescribed to be trade waste for the purposes of the Act—
- (a) any matter discharged from premises as a result of trade, industrial, commercial, medical, dental, veterinary, agricultural, horticultural or scientific activities;
 - (b) any waste matter consisting solely or partly of food, which results from any process connected with the preparation, on premises other than private residences, of food for consumption;
 - (c) any matter discharged from any laundry—
 - (i) used for the purposes of a private or public hospital, school or any other institution; or
 - (ii) used for the purposes of an hotel, motel or similar establishment; or
 - (iii) used for any other commercial purposes; or
 - (iv) where use of the laundry is subject to the payment of a fee;
 - (d) any matter discharged—
 - (i) from any cooling, refrigeration or air-conditioning system installed on premises where any activity referred to in paragraph (a) occurs; or
 - (ii) from any ship's ballast; or
 - (iii) as polluted storm-water run-off; or

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- (iv) as run-off from water used to extinguish a fire or to deal with any other hazard or emergency on premises where any activity referred to in paragraph (a) occurs; or
 - (v) as leachate from any private, commercial or municipal landfill or from a commercial composting or vermiculture facility; or
 - (vi) as sewage sludge from a facility for the disposal of nightsoil, septic tank sludge or sewage treatment plant sludge; or
 - (vii) from municipal or commercial swimming pools, including filter backwash effluent.
- (2) Waste water discharged from private residential premises is not prescribed to be trade waste for the purposes of the Act.

20 Discharge of trade waste

An occupier of land may discharge trade waste from that land if—

- (a) a trade waste agreement exists between the relevant licensee and the occupier; and
- (b) the trade waste complies with the agreement; and
- (c) the occupier has complied with the agreement.

21 Conditions of certain trade waste agreements

- (1) It is a condition of a trade waste agreement made before 1 January 1996 that it will terminate on the earliest of the following dates—
 - (a) the date that is 30 days after the occupier of the land from which the trade waste is discharged gives a written notice of termination of the agreement to the relevant licensee;
 - (b) the date that is 90 days after the relevant licensee gives a written notice of termination of the agreement to the occupier;
 - (c) any date of termination of the agreement otherwise provided for in the agreement.
- (2) It is a condition of a trade waste agreement made before 1 January 1996 that an occupier of any land to which the agreement relates give the relevant licensee at least 30 days' written notice before ceasing to occupy that land.

22 Failure to comply with conditions of trade waste agreement

- (1) If the relevant licensee considers that an occupier has not complied with any condition of a trade waste agreement, it may serve a notice on the occupier—
 - (a) setting out the condition that the licensee considers has not been complied with; and
 - (b) setting out the reasons why the licensee considers that the condition has not been complied with; and
 - (c) specifying the date by which the occupier must comply with the condition and that the agreement may be terminated if the occupier does not so comply; and
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- (d) informing the occupier that if, after complying with the condition by the date specified in paragraph (c), there is further non-compliance with the condition during the 90 day period after that date, the agreement may be terminated.
- (2) An occupier must comply with a condition set out in a notice under subregulation (1) by the date specified in that notice to the satisfaction of the relevant licensee.
- (3) The relevant licensee may serve written notice of termination of the trade waste agreement on the occupier if the licensee considers that the occupier has not complied with a condition set out in a notice under subregulation (1)—
- (a) by the date specified in the notice; or
 - (b) having complied with the condition by the date specified in the notice, at any time during the period of 90 days after that date.
- (4) The trade waste agreement automatically terminates at midnight on the day on which the notice of termination is served under subregulation (3).
- (5) If a trade waste agreement terminates automatically under subregulation (4)—
- (a) the occupier is not discharged from any condition still to be performed by, or on behalf of, the occupier; and
 - (b) any employee of the relevant licensee may continue to exercise any power conferred by the agreement to enter the land of the occupier.
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- (6) In this regulation *occupier* means the person occupying the land from which trade waste is being discharged under a trade waste agreement.
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PART 4—SUBDIVISIONAL EASEMENTS AND RESERVES

23 Rights of a licensee in relation to an easement for pipelines or channels purposes

The creation of an easement required by a licensee under section 61 of the Act for the purposes of pipelines or ancillary purposes or channels gives the licensee the following rights over the land burdened by the easement—

- (a) the right at all times to full and free access to enter upon and pass over the land (with or without plant);
- (b) the right to take onto and remove plant from the land;
- (c) the right to clear and excavate the land;
- (d) the right to construct pipeline works or channel works on, over or under the land;
- (e) the right to use and operate pipeline works or channel works on the land;
- (f) the right to inspect, maintain or change pipeline works or channel works on the land (including a change in their size or number);
- (g) the right to remove any matter from or deposit any matter on the land.

24 Rights of a licensee in relation to an easement for carriageway purposes

The creation of an easement required by a licensee under section 61 of the Act for the purpose of carriageways gives the licensee the following rights over the land burdened by the easement—

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- (a) the right to construct and maintain a road or access track on the land;
 - (b) the rights specified in regulation 23(a), (b), (c) and (g).

25 Rights of a licensee on the creation of a reserve

The creation of a reserve required by a licensee for any purpose specified in section 61 of the Act gives the licensee all rights attaching to the fee simple of the land constituting the reserve.

PART 5—NOTICE OF DISPOSITION OF LAND

26 Notice of disposition of land

For the purposes of section 176A of the Act—

- (a) a prescribed person required to give notice in relation to the disposition of any land is a person who disposes of any land in respect of which a service charge or usage charge has been imposed under the Act by a licensee;
- (b) the prescribed form of the notice of disposition of land is the form in the Schedule to the Water (Notice of Disposition of Land) Regulations 2000¹ and the prescribed particulars that the notice must contain are all the particulars necessary to complete the form prescribed in that Schedule;
- (c) the prescribed person for the receipt of the notice is the chief executive officer of the licensee that has imposed the service charge or usage charge (as the case may be) under the Act;
- (d) the prescribed period within which notice must be given is 10 business days after the disposal of the land.

PART 6—PROCEEDINGS

27 Prescribed person for the purposes of taking proceedings

- (1) For the purposes of section 179(1)(b) of the Act, a prescribed person who may bring proceedings for an offence against a provision of the Act or these Regulations is any person appointed to take such a proceeding by—
- (a) the Environment Protection Authority (established under the **Environment Protection Act 1970**); or
 - (b) a licensee.
- (2) A person must not be appointed under subregulation (1) unless that person has completed training or obtained qualifications to the satisfaction of the Environment Protection Authority or the licensee (as the case may be).
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SCHEDULE

Regulation 4

REVOCATIONS

<i>S.R. No.</i>	<i>Title</i>
S.R. No. 186/1995	Water Industry Regulations 1995
S.R. No. 151/1998	Water Industry (Amendment) Regulations 1998

ENDNOTES

1. General Information

The Water Industry Regulations 2006, S.R. No. 159/2006 were made on 24 October 2006 by the Lieutenant-Governor as the Governor's Deputy with the advice of the Executive Council under sections 50, 51, 52, 53, 184 and 185(2) of the **Water Industry Act 1994**, No. 121/1994 and came into operation on 31 October 2006: regulation 3.

The Water Industry Regulations 2006 will sunset 10 years after the day of making on 24 October 2016 (see section 5 of the **Subordinate Legislation Act 1994**).

2. Table of Amendments

There are no amendments made to the Water Industry Regulations 2006 by statutory rules, subordinate instruments and Acts.

Endnotes

3. Explanatory Details

¹ Reg. 26(b): S.R. No. 78/2000.