

**Water (Estimation, Supply and Sewerage)
Regulations 2014
S.R. No. 87/2014**

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STATUTORY RULES 2014

S.R. No. 87/2014

Water Act 1989

**Water (Estimation, Supply and Sewerage)
Regulations 2014**

The Lieutenant-Governor as the Governor's deputy with the advice of the Executive Council makes the following Regulations:

Dated: 24 June 2014

Responsible Minister:

PETER WALSH
Minister for Water

YVETTE CARISBROOKE
Clerk of the Executive Council

PART 1—PRELIMINARY

1 Objectives

The objectives of these Regulations are—

- (a) to provide generally for the management, protection and use of lands, waterways and works under the management and control of a water corporation; and
- (b) to provide for sanitary drainage plans held by a water corporation, including—
 - (i) the lodging of plans of sanitary drains as they appear after they have been installed or altered; and
 - (ii) the providing of copies of the plans; and

- (c) to prescribe ways of measuring water supply by meter or other measuring device; and
- (d) to prescribe ways of determining the quantity of water supply to land, other than by meter or other measuring device; and
- (e) to provide for the regulation of works and apparatus that are part of any private works; and
- (f) to provide for the regular maintenance and cleaning of works and apparatus; and
- (g) to prescribe penalties for contravening the Regulations; and
- (h) to prescribe other matters and things required or permitted by the **Water Act 1989** to be prescribed or necessary to be prescribed to give effect to that Act.

2 Authorising provision

These Regulations are made under section 324 of the **Water Act 1989**.

3 Commencement

These Regulations come into operation on 1 July 2014.

4 Definitions

In these Regulations—

accessible stop valve means a stop valve that is placed—

- (a) above ground; or
- (b) below ground within a stop valve cover approved by the relevant water corporation;

backflow prevention device means a device for the purpose of preventing the reverse flow of water into a relevant water corporation's reticulated water supply system;

business day means a day other than a Saturday, a Sunday or a public holiday appointed under the **Public Holidays Act 1993**;

combined sanitary works means the part of any sanitary works that conveys or is intended to convey sewage or trade waste—

- (a) from a serviced property to the sewerage works and is located on another serviced property; and
- (b) from 2 or more serviced properties to the sewerage works;

extended private water supply works, in relation to a serviced property where no property service pipe has been installed by or on behalf of a water corporation for that property, means the property service pipe installed between the property and a water corporation's water main by the property owner and connected to the water main with the consent of the water corporation under section 145;

Note

Section 145 of the Act provides that a water corporation may consent to a person's works being connected to the works of the water corporation and that consent may be subject to any terms and conditions the water corporation thinks fit.

extended sanitary works, in relation to a serviced property where no sanitary drain has been installed by or on behalf of a water corporation for that property, means the sanitary drain installed between the property and a water corporation's sewer main by the

property owner and connected to the sewer main with the consent of the water corporation under section 145;

Note

Section 145 of the Act provides that a water corporation may consent to a person's works being connected to the works of the water corporation and that consent may be subject to any terms and conditions the water corporation thinks fit.

good working order, in relation to works, includes that the works operate in a hygienic manner and are not subject to any damage that allows water or sewage to infiltrate or leak from the works;

inspection opening, in relation to sewerage works, means an access opening in a pipe or pipe fitting, installed to facilitate inspection, testing or the clearing of obstructions, and fitted with a threaded cap or plug or an access cover;

inspection shaft, in relation to a sanitary drain, means a shaft constructed in the line of the drain for the purpose of locating, inspecting and clearing the drain;

licensed plumber has the same meaning as in section 221B(1) of the **Building Act 1993**;

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

occupier, in relation to any land, includes—

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

plumber means a licensed plumber or a registered plumber;

pressure sewer system means a sewer system that conveys sewage under pressure by pumping units contained on a serviced property to a nominated discharge point or sewer main;

primary meter means the first water meter installed on land after the water main, whether or not another meter is installed on the land;

private fire service means that part of any works from the water main of a water corporation to an outlet on a serviced property, where the outlet is designed to supply water to the property for the principal purpose of combating an outbreak of fire on the property, whether or not that part of the works is also connected to another outlet used for purposes other than combating an outbreak of fire;

private water supply works, in relation to a serviced property, means the property service pipe (including any backflow prevention device and any other fixtures or fittings other than a water meter) from the outlet of any fixtures installed on the serviced property to the property service works, but does not include any extended private water supply works;

property service pipe means the water supply pipe connecting the water main of a water corporation to the outlet of any fixtures installed on a serviced property;

property service works, in relation to a serviced property, means the property service pipe (including any stop valves and any other fixtures or fittings other than a water meter) from a water main of a water corporation to—

- (a) the primary meter; or
- (b) the property boundary if the primary meter is more than 2 metres inside the property boundary; or
- (c) the first accessible stop valve—
 - (i) where the primary meter or part of the property service pipe is within or beneath the walls of a structure built on the serviced property; or
 - (ii) where there is no water meter;

registered plumber has the same meaning as in section 221B(1) of the **Building Act 1993**;

relevant water corporation, in relation to any land, thing or work, means the water corporation authorised to exercise powers and perform functions in a water district or sewerage district within which—

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

road has the same meaning as in section 3(1) of the **Road Management Act 2004**;

sanitary drain means a line of pipes including all fittings, conveying or intended to convey sewage or trade waste from a building or structure on a serviced property to the sewer main of a water corporation;

sanitary works means the sanitary drain (including any inspection shafts fitted to the drain) from a building or structure on a serviced property to the sewerage works, but does not include any extended sanitary works;

service property means a serviced property for the purposes of—

- (a) water supply services declared under section 144(1)(a) of the Act; or
- (b) sewerage services declared under section 144(1)(b) of the Act;

sewer main means the pipe to which all serviced properties are connected by a sanitary drain for the discharge of sewage and trade waste;

sewerage works, in relation to a serviced property, means—

- (a) if the sewer main is located outside the property boundary and an inspection opening is installed, the sanitary drain from the sewer main to—
 - (i) the inspection opening; or
 - (ii) one metre inside the property boundary if the inspection opening is more than one metre inside the property boundary; or
 - (b) if the sewer main is located outside the property boundary and an inspection opening is not installed, the sanitary drain from the sewer main to one metre inside the property boundary; or
 - (c) if the sewer main is located outside the property boundary and an inspection opening is not installed inside the property boundary because a structure
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on the property would prevent the installation of an inspection opening inside the property boundary, the sanitary drain from the sewer main to—

- (i) one metre from the structure; or
 - (ii) another location that is less than one metre from the structure in accordance with the consent of a water corporation under section 145 or 148 of the Act; or
- (d) if the sewer main is located inside the property boundary and an inspection opening is installed, the sanitary drain from the sewer main to—
- (i) the inspection opening; or
 - (ii) one metre from the side of the sewer main facing the centre of the property if the inspection opening is more than one metre inside the property; or
- (e) if the sewer main is located inside the property boundary and an inspection opening is not installed, the sanitary drain from the sewer main to one metre from the side of the sewer main facing the centre of the property;

stop valve means a flow control fitting capable of both regulating and shutting off the flow in a water main or property service pipe, and includes any fitting of the stop tap type, gate valve type or ferrule tap type;

the Act means the **Water Act 1989**;

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Part 1—Preliminary

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water main includes the stop valve and any fittings located at a connection between a water main and a property service pipe.

**PART 2—WATER METERS, BACKFLOW PREVENTION
DEVICES AND MAINTENANCE**

**5 Notification of loss of or damage to water meters by
occupiers of land**

An occupier of land must notify the relevant water corporation of the loss of, or damage to, a water meter installed on the land within 2 business days after first becoming aware of the loss or damage.

Penalty: 5 penalty units.

6 Custody of water meters by plumbers

(1) A plumber to whom a water meter is supplied by a water corporation must take reasonable steps to ensure that the water meter—

- (a) is not damaged or destroyed during installation or while in the custody of the plumber; and
- (b) is not lost or stolen while in the custody of the plumber; and
- (c) is installed on the land for which the water meter was supplied.

Penalty: 10 penalty units.

(2) For the purpose of subregulation (1), a water meter is taken to be in the custody of the plumber from the time the water meter is supplied to the plumber by the relevant water corporation until it is properly installed on the land for which it was supplied.

7 Removal of water meters by plumbers

- (1) A plumber contracted to remove a water meter must take reasonable steps to ensure that the water meter—
 - (a) is not damaged or destroyed during removal or while in the custody of the plumber; and
 - (b) is not lost or stolen while in the custody of the plumber.

Penalty: 10 penalty units.

- (2) For the purpose of subregulation (1), a water meter is taken to be in the custody of the plumber contracted to remove the water meter from the time the water meter is removed from the land by the plumber until the water meter is returned to the relevant water corporation.

8 Testing of water meters

- (1) The owner or occupier of land may request orally or in writing the relevant water corporation to test the accuracy and reliability of any water meter of the relevant water corporation installed on the land.
 - (2) At the request of a person under subregulation (1), the water corporation must arrange for the testing of the water meter within 10 business days of the water corporation receiving the request.
 - (3) A water corporation may remove a water meter from the land for the purpose of testing the water meter.
 - (4) If a water meter has been removed from land under this regulation for the purpose of testing it, the water corporation must test the meter in accordance with the National Trade Measurement Regulations 2009 of the Commonwealth to determine the accuracy of operation of the meter.
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- (5) The water corporation must replace the water meter at the time the meter is removed for testing with a replacement water meter.
- (6) The water corporation must notify in writing the person making the request of the results of the tests within 5 business days after completing the tests.

9 Estimation of water supplied

For the purposes of section 142(2)(b) of the Act, if a water meter is defective or registers incorrectly, the relevant water corporation may estimate the quantity of water supplied by applying a correction factor if the water meter is found to have a consistent error of registration.

10 Estimation of water supplied through a private fire service

- (1) A water corporation may estimate the quantity of water supplied through a private fire service by reference to any type of water meter.
- (2) For the purpose of subregulation (1), where the water corporation uses a by-pass water meter, or a meter that measures a fraction of the water, the water corporation may apply a multiplication factor to the amount registered by the meter to estimate the total amount of water supplied through the private fire service.

11 Owner to fit backflow prevention device

- (1) A relevant water corporation may give a written notice to the owner of a serviced property requesting the owner to arrange for a plumber to install a backflow prevention device to the private water supply works or a private fire service.

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- (2) The relevant water corporation must, in the written notice, give directions to the owner of the serviced property in relation to—
- (a) the type of device to be installed; and
 - (b) the installation of the device; and
 - (c) the time for compliance with the notice, which must be at least 10 days after the date of the notice.

- (3) The owner of the serviced property must comply with the notice under subregulation (1).

Penalty: 20 penalty units.

- (4) An owner of a serviced property who has been given a notice under subregulation (1) must notify the relevant water corporation in writing of compliance with the notice within 5 business days after complying with the notice.

Penalty: 5 penalty units.

12 Testing of backflow prevention device

- (1) A water corporation may, by notice in writing to the owner of a serviced property, request the owner to arrange for the testing by a plumber of a backflow prevention device installed on that serviced property.

- (2) The owner of the serviced property must comply with a notice given to the owner under subregulation (1).

Penalty: 15 penalty units.

- (3) If the results of the test carried out under subregulation (1) show that the backflow prevention device is not operating efficiently, the owner of the serviced property must arrange for the repair or replacement of the device.

- (4) Within 20 business days after receiving the notice under subregulation (1), the property owner must provide, in writing, the relevant water corporation with—
- (a) the results of the test; and
 - (b) if required, advice that the backflow prevention device has been repaired or replaced.

Penalty: 5 penalty units.

13 Property owner obligations

- (1) The owner of a serviced property must take all reasonable steps to maintain and keep in good working order all parts of the private water supply works.

Penalty: 15 penalty units.

- (2) The owner of a serviced property must take all reasonable steps to maintain and keep in good working order all pipes and fittings of a private fire service, including all stop valves after the water main, but excluding any of the relevant water corporation's water meters.

Penalty: 15 penalty units.

14 Water corporation obligations

The relevant water corporation must take all reasonable steps to maintain and keep in good working order all parts of the property service works.

Note

The relevant water corporation is responsible, in accordance with section 142(1) of the Act, for the maintenance of a water meter installed on a serviced property.

15 Extended private water supply works

Nothing in this Part applies to extended private water supply works.

Note

Extended private water supply works are owned and managed by the owner of the serviced property to which the works are connected with consent given by a water corporation under section 145 of the Act.

**PART 3—SANITARY DRAINS, SANITARY DRAINAGE
PLANS AND MAINTENANCE**

16 Connection to sewerage works

- (1) The owner of a serviced property to be connected to sewerage works must ensure that, unless otherwise approved by the relevant water corporation, the property is not drained into those sewerage works using a combined sanitary drain.

Penalty: 20 penalty units.

- (2) The owner of a serviced property to be connected to sewerage works must ensure that, unless otherwise approved by the water corporation, the sanitary drain connecting the property to the sewerage works is wholly within the boundary of the property.

Penalty: 20 penalty units.

17 Sanitary drainage plans

Within 5 business days after installing or altering sanitary works on a serviced property, the plumber who installed or altered the works must submit a sanitary drainage plan to the relevant water corporation in the form approved by the relevant water corporation showing the sanitary works as they appear after they have been installed or altered.

Penalty: 10 penalty units.

18 Trade waste

Nothing in this Part applies to any trade waste regulated under the Act or regulations made under the Act that is discharged in accordance with a trade waste agreement or with the consent of the relevant water corporation.

19 Maintenance of sanitary works

- (1) An owner of a serviced property for the purpose of sewerage services must take all reasonable steps to maintain and keep in good working order all sanitary works.

Penalty: 15 penalty units.

- (2) Subject to subregulation (4), where 2 or more serviced properties are connected to sewerage works by way of combined sanitary works, the owners of the serviced properties must each maintain and keep in good working order the combined sanitary works.

Penalty: 15 penalty units.

- (3) Subject to subregulation (4), the owners of 2 or more serviced properties connected to sewerage works by way of combined sanitary works are jointly and severally liable for the cost of maintaining and keeping in good working order the combined sanitary works.

- (4) Subregulations (2) and (3) do not apply to the extent of any inconsistency with terms contained in any of the following as to the apportionment of responsibility for the combined sanitary works or any other jointly owned infrastructure on the land—

- (a) a plan of subdivision; or
- (b) owners corporation rules; or
- (c) a written agreement between the property owners.

20 Maintenance of sewerage works and extended sanitary works

- (1) The relevant water corporation must take all reasonable steps to maintain and keep in good working order all sewerage works.
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- (2) The relevant water corporation must take all reasonable steps to maintain and keep in good working order all extended sanitary works within a road.

21 Pressure sewer systems

Nothing in this Part applies to a pressure sewer system.

Note

Pressure sewer systems are managed by agreement between property owners and water corporations.

22 Extended sanitary works

Subject to regulation 20(2), nothing in this Part applies to extended sanitary works.

ENDNOTES

Penalty Units

These Regulations provide for penalties by reference to penalty units within the meaning of section 110 of the **Sentencing Act 1991**. The amount of the penalty is to be calculated, in accordance with section 7 of the **Monetary Units Act 2004**, by multiplying the number of penalty units applicable by the value of a penalty unit.

The value of a penalty unit for the financial year commencing 1 July 2013 is \$144.36.

The amount of the calculated penalty may be rounded to the nearest dollar.

The value of a penalty unit for future financial years is to be fixed by the Treasurer under section 5 of the **Monetary Units Act 2004**. The value of a penalty unit for a financial year must be published in the Government Gazette and a Victorian newspaper before 1 June in the preceding financial year.