Changes to the way we bill property owners and tenants

Q. What has happened?
South East Water now operates under the Water Act 1989. As part of this change, we must now bill all water usage and sewage disposal charges incurred on a property to the property owner, unless the property leasing arrangement fits within the Residential Tenancies Act 1997.

For properties that do not fit within this Act, the owner will be responsible for the property’s water and sewerage account and will receive a bill.

Q. Why has the legislation changed?
Previously, Victorian water companies operated under different legislation. Some, including South East Water, operated under the Water Industry Act 1994 and others operated under the Water Act 1989.

This move to the Water Act 1989 means that all Victorian water companies will be aligned and operate under the same legislation.

Q. Why doesn’t the new legislation recognise commercial tenants like the previous law did?
Section 273A (detailing the liability of an occupier) of the Water Act 1989 states we will only be able to issue water usage and sewage disposal charges imposed on a property directly to the occupier, for properties that fall under the Residential Tenancy Act 1997.

Q. How do I know if my property if affected by this change?
South East Water is in the process of notifying all customers impacted by this change – you may already have received a letter.

If your property does not fall within the Residential Tenancies Act 1997, the property owner is now responsible for water usage and sewage disposal charges related to their property.

Properties are classified residential or commercial by the local council they’re located in. If you have any queries about this, you will need to talk to your local council.

Q. When does the change come into place?
This change will take effect as of your first water and sewerage bill from October 2012.

Q. What about trade waste charges?
This change does not apply to trade waste charges, which the property tenant will continue to be billed for.

Q. Whose name will the account be in?
For properties that do not fall within the Residential Tenancy Act 1997, any existing tenants will be removed from the account details from October 2012 and the account will be set up in the property owners’ name.

If the property owner and tenant have a private agreement in place regarding payment of these charges, the property owner is responsible for contacting South East Water to make any changes to the mailing address for this account.
Q. Where can I find out more information about the Water Act 1989?
The Water Act 1989 is available online at the Victorian Law Today library. If you would like to review, visit http://www.legislation.vic.gov.au/.

Q. Does this affect residential tenants?
No. This change only affects tenants whose property leasing agreement does not fit within the Residential Tenancy Act 1997.

Q. I’m a property owner, I don’t use the water, why will I receive a bill?
The state government made the decision for Melbourne’s three metropolitan water businesses to operate under the Water Act 1989. As part of the Act, South East Water must now bill all water usage and sewage disposal charges incurred on commercial properties to the property owner.

Q. I’m a property owner, how can I recover these costs?
As part of your lease agreement you may have an arrangement in place with your tenant regarding payment of these charges. If this is the case, we can update the account details to have your property’s water and sewerage bill mailed directly to the tenant.

If you require South East Water to change the mailing address of this account, we ask that you notify us in writing, by e-mail info@sew.com.au or letter to: South East Water, Locked Bag 1, Moorabbin Victoria 3189.

It’s important to note that you are responsible for any private agreement that you enter into with your tenant. As the property owner you will remain legally responsible for any outstanding charges on this account.

Q. I’m a property owner, what if the tenant hasn’t paid their bills for usage charges prior to this change coming into place?
These charges remain the financial responsibility of the tenant. If any of their bills for water usage or sewage disposal are overdue and unpaid, we will contact them directly for payment.

Q. I rent a non-residential/commercial property but I haven’t heard from the owner or real estate agent yet. Does this mean I won’t have to pay?
Owners of commercial properties may choose to recover these usage charges from the tenant. If you haven’t heard from the real estate agent or owner, do not assume that you won’t have to pay. You may wish to contact the real estate agent/owner directly to discuss this matter.

If you need more information you should seek legal advice.