

By-law No. 1: Water Supply Protection 2018

This By-law is made by the Melbourne Water Corporation
pursuant to its powers as an Authority
under the *Water Act 1989*
(Vic)

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By-law No. 1: Water Supply Protection 2018

Dated 13 September 2018

1. Making of By-Law

Melbourne Water pursuant to its powers under the Act hereby makes this By-law.

2. Title

This By-law shall be known as "By-law No.1: Water Supply Protection 2018".

3. Authorising Provisions

This By-law is made under section 171H of the Act in accordance with section 160 of the Act.

4. Commencement

This By-law commences on the day that a notice is published under section 287ZI of the Act.

5. Objectives

The objectives of this By-law are—

- (a) to control access to certain land, water and works under the management and control of Melbourne Water for the purposes of protecting the water catchment or water supply system; and
- (b) to prevent pollution of, or damage to, certain land, water or works forming part of Melbourne Water's water catchment or water supply system; and
- (c) to provide for the care, protection and management of land, water and works owned by, vested in, or under the control or management of Melbourne Water for the purpose of discharging its water supply functions under the Act; and

- (d) to provide for the publication of notices setting out the land, areas and works that are subject to access or activity prohibitions provided for in this By-law.

6. Definitions

In this By-law unless otherwise defined below, all words have the same meaning as in the Act —

"Melbourne Water" means Melbourne Water Corporation;

"prohibited access area" means—

- (a) a dam or weir or a reservoir or other water storage; and
- (b) an aqueduct, channel or other open conduit; and
- (c) land that is the catchment area for a weir or a reservoir or other water storage; and
- (d) land that is a buffer zone set aside to protect a catchment area or works referred to in paragraph (a) or (b)—

that is enclosed by fencing or has signs prohibiting public access to those works or the land;

"prohibited access works" means service reservoirs, treatment plants, pumping stations, and other works associated with the water supply system and includes-

- (a) the land surrounding those works, that is enclosed by security fencing or has signs prohibiting public access to the works or land; and
- (b) the fencing (including gates) and signs referred to in paragraph (a);

"the Act" means the *Water Act 1989 (Vic)*.

7. Application

This By-law only applies to land and works, and the water in or on that land and works, that are owned by, vested in, or under the control or management of, Melbourne Water as part of its water supply function.

8. Exempt persons

- (1) This By-law does not apply to—
- (a) any of the following persons, when acting in the course of that person's duties—
 - (i) an authorised person; or
 - (ii) a member of the police force; or
 - (iii) an officer or employee of Melbourne Water; or
 - (iv) a contractor carrying out any work for Melbourne Water; or
 - (b) a person dealing with a fire, flood or other public emergency; or
 - (c) a person acting in accordance with an authorisation granted by Melbourne Water under clause 12 and any conditions of that authorisation.
- (2) Clauses 9 and 10 do not apply to an officer, employee, agent or contractor of a water corporation under the Act while that officer, employee, agent or contractor is carrying out any necessary works to manage, operate or maintain their works.

9. No access to certain land or works

A person must not enter any prohibited access areas or prohibited access works.

Penalty: 20 penalty units, plus up to 5 penalty units for each day on which the offence continues (up to a

maximum of 20 additional penalty units).

10. No interference with land, water or works

A person must not—

- (a) touch or allow any part of that person to come into bodily contact with any water in or on any prohibited access areas or prohibited access works; or
- (b) tamper or interfere with or damage any:
 - (i) land, water or works within or on any prohibited access area; or
 - (ii) prohibited access works.

Penalty: 20 penalty units, plus up to 5 penalty units for each day on which the offence continues (up to a maximum of 20 additional penalty units).

11. Animals

A person must not—

- (a) bring, or cause to be brought, any animal; or
- (b) leave any animal; or
- (c) allow any animal to stay or wander—

on or in any prohibited access area or prohibited access works.

Penalty: 20 penalty units, plus up to 5 penalty units for each day on which the offence continues (up to a maximum of 20 additional penalty units).

12. Authorisation

- (1) Melbourne Water may authorise a person to do anything which would otherwise contravene clauses 9, 10 or 11.
- (2) An authorisation granted under sub-clause 12(1)—
 - (a) must be in writing; and
 - (b) may be granted subject to any conditions determined by Melbourne Water.

13 Notice

Melbourne Water may from time to time publish a notice in the Government Gazette setting out any prohibited access areas or prohibited access works, including by way of map or diagram, but the provisions of this By-law apply regardless of whether such notice is published.

ENDNOTES

1. General Information

The By-Law No. 1: Water Supply Protection S.R. No. 173/1997 was made on 19 December 1997 by the Melbourne Water Corporation under sections 110 and 240A of the **Melbourne and Metropolitan Board of Works Act 1958**, No. 6310 and came into operation on 19 December 1997.

From 1 July 2007, the By-Law No. 1: Water Supply Protection S.R. No. 173/1997 was deemed to be a by-Law made under the **Water Act 1989** and continued until revoked under section 5 of the **Subordinate Legislation Act 1994** (namely 19 December 2007) **or** amended or revoked under the **Water Act 1989** (see clause 10 of Schedule 16 to the **Water Act 1989**).

The By-law No. 1: Water Supply Protection 2008 was made on 16 January 2008 by the **Melbourne Water Corporation** under sections 160 and 171H of the **Water Act 1989** and came into operation on 24 January 2008. This by-law replaced the By-law No. 1: Water Supply Protection S.R. No. 173/1997.

The (By-law No.1: Water Supply Protection) Extension By-law 2018 was made by the **Melbourne Water Corporation** under the **Water Act 1989** on 10 January 2018, extending the operation of the By-law No. 1: Water Supply Protection 2008 to 17 September 2018.