

	CENTRAL HIGHLANDS REGIONAL COUNCIL POLICY	
	Concealed Water Leaks Policy	POLICY REF NO CHRCP: 0015

1.0. Policy Purpose

The purpose of the Concealed Water Leaks Policy is to detail how Central Highlands Regional Council (“Council”) may provide financial assistance to ratepayers via a remission for unusually high water consumption charges due to a Concealed Water Leak.

This Policy describes the eligibility criteria, remission available, and the administrative procedures to apply for and process applications for the granting of a remission for water consumption charges in the abovementioned circumstances.

2.0. Commencement

This Policy will commence on the date of adoption by Council and applies to new Concealed Water Leak Remission applications that relate to Billing Periods commencing on or after 1 June 2022. It replaces all other policies or arrangements governing remissions for water consumption charges (whether written or not).

3.0. Guiding Principles

In the consideration of the development of this Policy and the treatment of Concealed Water Leak remission applications, Council will be guided by the local government principle of *“Transparent and effective processes, and decision-making in the public interest”* as stated in section 4(2)(a) of the Act. This is further interpreted as:

- 3.1. Transparency by making clear the requirements necessary to receive a remission;
- and
- 3.2. Fairness by ensuring applicants are treated fairly in accordance with this Policy.

4.0. Application

This Policy applies to any Properties that are within the Council’s Declared Service Area for water supply and to other Properties that are connected to Council’s water service.

All connected properties must have a Council approved Water Meter to receive any remission on water consumption charges under the provisions of this Policy.

5.0. Policy Statement

5.1 General Provisions

The *Plumbing and Drainage Act 2018* section 70 (1) states *“the owner of the premises must take all reasonable steps to ensure all plumbing and drainage on the premises is kept in good condition and operates properly.”* Therefore responsibility for all plumbing, and all water consumption, on the property side of the Council Water Meter resides with the property owner.

Council has no obligation to provide financial assistance to ratepayers affected by Concealed Water Leaks on their property, however, Council recognises that at times water leaks can remain undetected for relatively long periods, despite reasonable effort by ratepayers, which may cause significant financial burdens.

Property owners or occupiers who experience sudden and very large increases in water consumption due to a Concealed Water Leak may apply for a remission on water consumption charges subject to the conditions detailed in this Policy.

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5.2. Conditions for Receiving Financial Assistance

Approval of financial assistance to a Ratepayer is at the discretion of Council and, subject to the other requirements of this Policy will only be granted in one of the following three circumstances:

Circumstance 1:

- A Concealed Water Leak was present on the property; and
- The ratepayer has taken all reasonable steps to ensure the leak was repaired as soon as possible, including that repair actions must have commenced not more than 21 days from the ratepayer becoming aware of the Concealed Water Leak (unless extenuating circumstances can be proven); and
- One of the following apply:
 - The leak was repaired by a Licenced Plumber; or
 - The repairs were undertaken by the ratepayer or delegate due to the urgency of the leak, and a Licenced Plumber subsequently inspected the property for further leaks and found none and also will attest to the Concealed Water Leak repair being undertaken to a satisfactory and compliant standard; or
 - The leak was repaired to a satisfactory and compliant standard by the ratepayer or delegate and due to the property being in a rural or remote area a Licenced Plumber was not reasonably available to undertake or inspect the repair; and
- The water consumption for the Concealed Water Leak period(s) is at least 50% higher or 180kL (whichever is lower) greater than the Average Consumption for that property; and
- The increased water consumption charges incurred will cause the ratepayer undue financial hardship.

Circumstance 2:

- The property was inspected by a Licenced Plumber and the ratepayer provides a written report to Council detailing that the property was fully inspected and no leak was found and no further evidence of a Concealed Water Leak is present; and
- The water consumption for the leak period(s) is at least 50% or 180kL (whichever is lower) greater than the Average Consumption for that property; and
- No changes in circumstances have occurred at the property that could explain the increase in water consumption charged for during the Billing Period(s), for example, swimming pool installation, new turf laid, change in occupiers; and
- The increased water consumption charges incurred will cause the ratepayer undue financial hardship.

Circumstance 3:

- The Water Meter on the property is over ten (10) years old; and
- The ratepayer or Authorised Agent requests a Water Meter Verification / Calibration cost recovery fee service as per Council's adopted fees and charges register, applied at Council's discretion; or
- Council's plumbing department is satisfied that the Water Meter reading may not be accurate and replaces the Water Meter without testing.

NOTE: The Water Meter Verification / Calibration cost recovery fee will be waived / refunded by Council if a remission is granted under Circumstance 3.

Other Criteria

Only one application in any three-year period will be considered for any property unless there is a complete change in ownership. The Chief Financial Officer or Manager Finance may allow a second application to be considered subject to the provision of evidence by the ratepayer of compelling and unforeseeable extenuating circumstances.

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5.3. Exclusions from Receiving a Remission

Council will not allow a Concealed Water Leak remission to be provided to a ratepayer under any of the following circumstances, unless Council is satisfied of exceptional circumstances applying and subject to approval by the Manager Finance:

- If there is any evidence of tampering with the Water Meter, including tampering with any plumbing associated with the Water Meter in any way that may hinder the capacity of the Water Meter to accurately measure the volume of water supplied to the premises.
- If the ratepayer has Overdue Rates and Charges, unless the ratepayer has entered into, and is maintaining, a compliant Payment Arrangement in accordance with Council's Rates and Charges Collection Policy (excluding the water bill to which the Concealed Water Leak Remission Application relates).
- Where the leaks and/or bursts are on internal appliances, fixture or fittings including air conditioners, dish washers, swimming pools, hot water systems, toilet cisterns, valves, internal or external taps, or similar items.
- Where the water leak is or was visible or audible.
- Where an application is submitted without the required supporting documentation (Council will take reasonable action to engage with an affected ratepayer to obtain any documentation missing from an initial application).
- Where the leak was caused by plumbing work that is not compliant with relevant legislation or where the repairs to fix the leak do not comply with relevant legislation.

5.4. Application Criteria

All applications are to be submitted on a Concealed Water Leak remission application form.

Applications must be made by:

- the ratepayer; or
- the Authorised Agent; or
- where the application is for a Community Title property that is not individually sub-metered by Council approved Water Meters, the body corporate acting on behalf of all lot owners, or by one ratepayer with written delegated authority from a majority of other ratepayers, unless provided for under Council's Water Sub-Metering for Community Title Schemes Policy.

A copy of the Licensed Plumber's invoice for repairs is to be submitted with the application or, if no invoice is provided, a statement from the Licenced Plumber. The invoice / statement must detail.

- the address of the property that the Licenced Plumber attended.
- the date the Licensed Plumber attended the property to repair the leak.
- where the leak was located (e.g. under concrete driveway).
- confirmation that it was a Concealed Water Leak.
- scope of work carried out to repair the Concealed Water Leak.
- confirmation that the Concealed Water Leak has been repaired.

If the Concealed Water Leak was repaired by the ratepayer or delegate, a statutory declaration must be submitted providing the same information as above in addition to an assurance that no changes in circumstances have occurred at the property that could result in an increase in water consumption for the relevant Billing Period(s).

If a Water Notice has been issued, the application should be received no later than 31 days after the issue of the Water Notice for the period affected by the Concealed Water Leak, unless a reasonable reason for the delay is provided. Acceptance of applications outside this timeframe is subject to Council's sole discretion.

Further consideration may be given as determined by Council's Manager Finance or delegate if an application is received for a remission of water consumption charges due to

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a Concealed Water Leak that does not meet the above criteria, and sufficient evidence is provided to satisfy the decision maker that it is appropriate in the circumstances.

5.5. Assessment of the Application for Remission

In assessing each application for a remission on water consumption charges due to a Concealed Water Leak under this Policy, Council will consider all required documentation, including evidence provided by the applicant, relevant associated documents, and Council records.

The decision to approve an application of a remission of water consumption charges under this Policy is at the discretion of the Manager Finance, Coordinator Rates or delegated Officer.

5.6. Remission Available

Where an application has been submitted and all application criteria met, and the Concealed Water Leak remission application has been approved, the following remission will be applied:

- The ratepayer will be charged a Water Consumption Charge based on their Average Consumption for the Billing Period(s) that the leak occurred.

The remission will be applied to the Billing Period in which the variance occurred up to a maximum of two (2) Billing Periods.

6.0. Additional Responsibilities

The Coordinator Rates is responsible for ensuring that the Policy is understood and adhered to by all relevant staff and contractors. The coordinator or delegate is also responsible for maintaining a register of all Concealed Water Leak applications made and those granted.

7.0. Definitions

- **Authorised Agent:** A person authorised by the ratepayer to act on their behalf for rates and water issues. This authority must be in writing from the ratepayer stating who is authorised to act on their behalf and any limitations to the authority provided.
- **Average Consumption:** The average of the past three (3) years' actual water consumption during the equivalent Billing Period, adjusted at the discretion of council, for any relevant changes in circumstances that would impact consumption.
- **Billing Period:** The period during which Council charges for the volume of water supplied to a ratepayer's property as measured in the associated reading period for the purpose of charging for the water supplied. There are two (2) six-month Billing Periods each financial year commencing on 1 January and 1 July (associated with respective reading periods commencing 1 December and 1 June). The Water Meter readings are taken and recorded at the end of each reading period in accordance with section 102 of the Regulation.
- **Concealed Water Leak:** Water escaping from a Private Water Service that is either underground, under or within concrete or paving, underneath a structure or inside an evaporative cooler where an occupant could not reasonably be expected to know of its existence and there is no visual or audible evidence of the leak.
- **Council:** Central Highlands Regional Council.
- **Declared Service Area:** The service area declared by Council under the Water Supply (Safety and Reliability) Act 2008 from time to time.
- **Licensed Plumber:** An individual or company who holds a current licence under section 12 of the *Plumbing and Drainage Act 2018*, is registered with the Queensland Building and Construction Commission ("QBCC"), and legally able to perform the work required to repair a Concealed Water Leak.
- **Overdue Rates and Charges:** Refer to section 132 of the Regulation.

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- **Payment Arrangement:** A formal agreement between Council and the ratepayer made under Council's Rates and Charges Collection Policy for the regular repayment of a portion of the outstanding Rates and Charges balance at agreed intervals until the debt is paid in full.
- **Personal Information:** Information or an opinion, including information or an opinion forming part of a database, whether true or not, and whether recorded in a material form or not, about an individual whose identity is apparent, or can reasonably be ascertained, from the information or opinion as per the *Information Privacy Act 2009*.
- **Private Water Service:** The main underground potable water or non-potable water service from the initial point of connection to Council's Water Meter that services the property.
- **Property:** Land or other right of use entitlement over land within the Council's local government area that is allocated an assessment number and to which water is capable of being supplied by Council and Water Notices are issued.
- **Ratepayer:** The person(s) or entity(ies) legally responsible for paying Rates Notices and Water Notices to Council. In most cases this will be the owner(s) of the property.
- **The Act:** The Queensland *Local Government Act 2009*.
- **The Regulation:** The Queensland *Local Government Regulation 2012*.
- **Water Meter:** A device, including equipment related to the device, for measuring the volume of water supplied to a property and installed on infrastructure that supplies water services at the property as per Schedule 1 of the *Plumbing and Drainage Act 2018*.
- **Water Notice:** A notice issued by Council to the ratepayer which contains the Water Consumption Charges in accordance with section 138 of the *Water Supply (Safety and Reliability) Act 2008* and Guideline UWS/2020/5494 issued by the Department of Natural Resources, Mines and Energy. This also includes any assessment that is levied as a water utility charge as per section 92(4)(d) of the Act.

For terms not specified above, any term used in this Policy that is defined in the *Local Government Act 2009* or *Local Government Regulation 2012* has that definition.

Strategic Link	Local Government Act 2009 Local Government Regulation 2012 Revenue Policy
Category	Rates
Lead Business Unit	CFO Office
Public Consultation	No
Adoption Date	28 June 2023
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Document Number	1781525
Record Keeping	The Vine, ECM, CHRC website
Related Documents	Revenue Statement Rates and Charges Collection Policy Water Sub-Metering for Community Title Schemes

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