

2001

**THE LEGISLATIVE ASSEMBLY FOR
THE AUSTRALIAN CAPITAL TERRITORY**

WATER AND SEWERAGE REGULATIONS 2001

Subordinate Law No. 2 of 2001

EXPLANATORY MEMORANDUM

**CIRCULATED BY AUTHORITY OF
GARY HUMPHRIES MLA
TREASURER**

WATER AND SEWERAGE REGULATIONS 2001

OUTLINE

The *Water and Sewerage Regulations 2001*, along with the *Water and Sewerage Act 2000*, under which they are made, regulate the supply of plumbing and sanitary drainage services in the ACT.

The regulations derive from the Canberra Water Supply and Sewerage Regulations in force under the *Energy and Water Act 1988*. This Act is to be repealed under the *Utilities Act 2000*. Some of the regulations have been picked up by the *Utilities Act 2000* and others by the *Water and Sewerage Act 2000*. The remaining regulations have been re-organised, updated and remade as the Water and Sewerage Regulations.

The Water and Sewerage Regulations regulate work on sanitary plumbing and sanitary drainage systems and on water supply systems. In particular, the regulations:

- specify standards for work on, and connection to, these systems, and for materials incorporated in them;
- approval, inspection and testing processes for plumbing and drainage work; and
- ensure that the construction of customers' systems does not affect the utility's sewerage and water networks.

Financial Implications

There are no financial implications.

CLAUSE NOTES

Part 1 - Preliminary

Regulations 1, 2, 3 and 4 are formal clauses that deal with the name of the regulations, their commencement, the Dictionary and matters of interpretation.

5. Regulation 5 calls for consistency as far as possible between the requirements of the national standards it calls up and any technical or other requirements of the regulations.

Part 2 – Sanitary Plumbing and Sanitary Drainage

6. Regulation 6 specifies national standards for any work on sanitary plumbing and drainage systems that communicate with the sewerage system, and for the materials that make up the systems.

It is an offence not to do so and a penalty of 10 penalty units is provided for contravention.

The requirements do not apply if the specified national standards are inconsistent with the standards mentioned in the regulations. That is to say, the national standards are overridden by any inconsistent specific requirements about standards of the regulations.

7. For dwellings other than single residential buildings any work on sanitary plumbing systems and sanitary drainage systems is required to comply with the plan approved by the certifier in accordance with the Act.

It is an offence not to do so and a penalty of 10 penalty units is provided for contravention.

8. Anyone undertaking sanitary plumbing or drainage work is required to advise the chief executive when the work is ready for inspection. Failure to do so is an offence and attracts 10 penalty units.

The person must leave the work uncovered and ready for inspection until either the work is inspected, or the person is advised that an inspection is not necessary, or, if the work is sanitary plumbing work, the end of 2 working days after the chief executive was advised, whichever comes first. Failure to do so is an offence and attracts a penalty of 5 penalty units.

While the work is being done the person must also keep on the premises a copy of the plan approval showing any minor variations to the plan. Failure to do so is an offence and attracts 10 penalty units.

9. Inspectors must, under regulation 9, test sanitary plumbing and drains in accordance with Australian Standard 3500 before they, or any alterations or repairs to them, may be passed. The regulation also requires the person who is carrying out the work to be tested to supply the necessary tools and labour to enable the testing. If the person cannot provide the necessary assistance the sanitary plumbing or drainage work is taken not to comply with AS 3500. It

is also an offence not to provide such assistance and a penalty of 5 penalty units is provided for contravention. Furthermore, any work that fails testing must be rectified. A penalty of 10 penalty units is provided for this particular offence.

10. Regulation 10 applies if a person's sanitary plumbing or drainage work has been inspected and approved or if the person is advised that an inspection is not necessary. Within 7 days of the work's completion, the person must give the chief executive a statement of the work completed, evidence of payment of inspection fees and a copy of a drainage plan (for single residential buildings) or an approved drainage plan (for other types of buildings) certifying that the plan is a true record of the work carried out.
11. Regulation 11 allows the owner of land to unblock a blocked drain if it is impossible or impracticable to get, within a reasonable time, a licensed person to unblock the drain. An owner may not unblock the drain if they must break a pipe, cover or concrete material or remove a thrust block.
12. Regulation 12 requires individual buildings to have separate drainage systems. The chief executive may, however, approve combined drainage systems in special circumstances.
13. Where a combined drainage system was installed before 1 March 1999 and significant work is being undertaken on the drainage system on the property that does not contain the combined drainage system, the person undertaking the work is required to disconnect the drainage pipes from the system and install, and connect to, a new system. Significant work is defined as work where drains to more than half the fixtures are altered or the number of fixtures is increased by more than 50 percent.
14. Regulation 14 requires interceptor traps and accessholes to be carried to ground level and to be fitted to that level with approved cast-iron airtight covers.
15. Regulation 15(1) prohibits the discharge of rainwater, surface water or storm water into sewerage networks, drains communicating with sewerage networks or sanitary fixtures or drainage apparatus used in connection with such drains.

It is an offence to do so and a penalty of 10 penalty units is provided for contravention.

Regulation 15(2) also requires drain inlets to be built and maintained in a way that prevents such a discharge.

The responsible utility may, however, exempt someone from this prohibition if satisfied that, by doing so, the sewerage system would not be detrimentally affected. Anyone wishing to be exempted must apply, in writing, to the utility.

16. Under this regulation, any house, building or parcel of land required by the chief executive to be connected to the sewerage network must have at least

one water closet approved by the chief executive. The regulation specifies the requirements the water closet must meet. It also states that they not be installed in cellars or basements unless in special circumstances and with the chief executive's approval. These requirements are intended to minimise water use.

Part 3 – Water Supply

- 17.** Regulation 17 requires a notice given under section 15 of the Act (notice of interference with certain pipes communicating with water network), that is when large amounts of water are to be used, to be accompanied by a scale plan. The plan is intended to assist the inspector. Specifically, it must provide details of the address of the premises at which the work is to be done and the position on the premises in which the pipes and other fittings are to be laid.
- 18.** Regulation 18 specifies standards for any work on water services and hot water systems, and for the products used. Work on a pipe connected to a property service greater than 50mm diameter must also be done in accordance with the approved plan. It is an offence to not comply with these requirements and a penalty of 10 penalty units is provided for contravention. The requirements do not apply if the specified standards are inconsistent with the standards mentioned in the regulations.
- 19.** Anyone doing work on a water service or hot water system must advise the chief executive when the work is ready to be inspected. Failure to do so is an offence and attracts 10 penalty units.

The person must also leave the work uncovered and ready for inspection until either the work is inspected, or the person is advised that an inspection is not necessary, or the end of 2 working days after the chief executive was advised, whichever comes first. Failure to do so is an offence and attracts a penalty of 5 penalty units.

- 20.** Inspectors must, under regulation 20, test water plumbing in accordance with Australian Standard 3500 before it, or any alterations or repairs to the plumbing, may be passed. The regulation also requires the person who is carrying out the work to be tested to supply the necessary tools and labour to enable the testing. If the person cannot provide the necessary assistance the plumbing work is taken not to comply with AS 3500. It is also an offence not to provide such assistance and a penalty of 5 penalty units is provided for contravention. Furthermore, any work that fails testing must be rectified. A penalty of 10 penalty units is provided for this particular offence.
- 21.** Within 7 days of completing work on the water service or hot water system the person must give the chief executive a statement of the work completed, evidence of payment of inspection fees and, if the work is done on a pipe connected to a property service not less than 50mm diameter, a copy of a water plumbing plan certifying that the plan is a true record of the work carried out.

- 22.** This regulation applies if a certifier reasonably believes that by doing work on a hot water or cold water system (under regulation 19), non-potable liquids, solids or gases may get into the Territory's potable water supply. The regulation requires certifiers not to approve plans unless they include the installation of an appropriate backflow prevention device, if required. Unless they have a reasonable excuse, it is an offence to do so and a penalty of 5 penalty units is provided for contravention.

A person required to install a backflow prevention device must install the device in accordance with the plan and with Australian Standard 3500. Failure to do so is an offence and attracts a penalty of 10 penalty units.

A person installing a testable backflow prevention device must advise the chief executive that it has been installed, ensure that the device is tested by a suitably qualified person in accordance with the Australian standards and provide the chief executive with a copy of the test report within 7 days of the test. The owner of land on which a testable backflow prevention device has been installed must ensure that the device is regularly tested by a suitably qualified person in accordance with the Australian standards and provide the chief executive with a copy of the test report within 7 days of the test. Failure to comply with these requirements is an offence and there is a penalty of 10 penalty units for contravention.

Testable backflow prevention devices must be tested within 7 days of maintenance or repair work or, otherwise, must be tested at least every 12 months. If the test fails or work is carried out on them for other reasons, they must be tested again after repair or maintenance.

- 23.** This regulation requires persons to obtain the responsible utility's permission before connecting a water pumping appliance to a pipe that is connected indirectly to the water network.

It is an offence to not do so and a penalty of 10 penalty units is provided for contravention.

- 24.** Regulation 24 prohibits the connection of service pipes directly to steam boilers for feeding the boiler with water. Connection must be made by way of a break tank.

It is an offence to not do so and a penalty of 10 penalty units is provided for contravention.

Part 4 - Miscellaneous

- 25.** Regulation 25 requires owners of premises to obtain certificates of compliance from the chief executive for plumbing or sanitary drainage work. It is an offence for a person to use plumbing or sanitary drainage work unless a compliance certificate has been issued and a penalty of 10 penalty units is provided for contravention.

26. This regulation lists decisions of which the responsible utility and the chief executive is required to give written notice to anyone who might be affected. The notice must be in accordance with the relevant code of practice under the *Administrative Appeals Tribunal Act 1989*.
27. This regulation enables persons to apply to the administrative appeals tribunal for review of the chief executive's decisions mentioned in regulation 26.

Dictionary

The Dictionary forms part of the regulations by virtue of the operation of regulation 3.