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THE LEGISLATIVE ASSEMBLY FOR THE AUSTRALIAN CAPITAL TERRITORY

ENERGY AND WATER ACT 1988  
CANBERRA SEWERAGE AND WATER SUPPLY REGULATIONS (AMENDMENT)

EXPLANATORY STATEMENT

Circulated by authority of

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## Canberra Sewerage and Water Supply Regulations (Amendment)

### Outline

These are amending regulations. They amend the *Canberra Sewerage and Water Supply Regulations* (the Principal Regulations). The Principal Regulations mainly deal with requirements for plumbing and drainage work on private land. A few regulations protect the water and sewerage network infrastructure.

One set of changes simplifies the regulatory system for on-site plumbing and drainage work and transfers part of the administration of it from government employees to private certifiers. This is related to the changes made by the *Construction Practitioners Registration Act 1998*, the *Building (Amendment) Act (No2) 1998* and the *Electricity (Amendment) Act 1998*.

The Principal Regulations include provisions requiring the approval of plans for certain classes of sanitary plumbing, sanitary drainage and water supply plumbing. The amending regulations exempt separate houses and groups of two residences from the requirement for advance plan approval. When plan approval is still required, approval by certifiers replaces approval by government employees. Certifiers are registered under the *Construction Practitioners Registration Act 1998* in the prescribed category Plumbing Plan Certifier. When advance plan approval is no longer required, a plan of the completed work is to be provided to the Government. This is because the Government is the accepted repository for plans, and records of old work are regularly consulted when existing plumbing or drainage is altered.

The Principal Regulations require a licensed tradesperson to apply for and receive a plumbing or drainage permit before work can begin. The amendments simplify this system by replacing it with notification that the work is to begin. The licence holder who is to undertake the work gives this notice two days before work is to begin.

Another set of changes deals with the transfer of responsibility for the control of plumbing and drainage work on private land from ACTEW to Urban Services in July 1995. The legislation removes terms that directly or indirectly make the former ACT Electricity and Water (ACTEW) Authority the regulator. The indirect references are to decision-makers whose titles are defined as those of employees of ACTEW. When ACTEW is referred to as the operator of the water supply or sewerage system, the term "network utility operator" is used. It is defined in the *National Plumbing and Drainage Code* which is called up in the Principal Regulations.

A certain number of provisions in the Principal Regulations provide powers for ACTEW to regulate plumbing and drainage work and other actions because of its effect on the water supply or sewerage system or in connection with charges for water. In the long term, they are expected to be moved to other legislation. The amending regulations introduce requirements for land owners to consult the network utility operator but necessary powers of the network utility operator for certain purposes are provisionally left in the regulations.

## REGULATION NOTES

**Regulations 1 and 2** are formal provisions that deal with the commencement of the Regulations and identify the Principal Regulations.

### Interpretation

**Regulation 3** amends Regulation 4 of the Principal Regulations to update and add to the regulations references to national standards for plumbing and drainage.

**Paragraph 3 (a)** revises the definition of "AS 3500" in Regulation 4 of the Principal Regulations. Australian standard AS 3500 *National plumbing and drainage code* is the main technical standard for on-site plumbing and drainage work. The standard is published in several parts. The effect of the change is to update ACT requirements from 1990 versions of the parts to performance-based 1996 to 1998 versions.

**Paragraph 3 (b)** omits from Regulation 4 of the Principal Regulations the definitions of "Authority", "Authority pipe", "authorised", "determined charge", "disconnecter pipe", "internal closet", "ordered", "public building", "Supervising Officer", "Territory Land", "the Engineer", "the Proper Authority", and "the sewerage system".

**Paragraph 3 (c)** adds to Regulation 4 of the Principal Regulations definitions of the terms "business day", "certifier", "determined fee", "MP 52", "plan approval", "registered construction practitioner", "single residential building" and "site plan" in the Regulations.

**Paragraph 3 (d)** adds subregulation 4 (3) to the Principal Regulations. The new subregulation gives the meaning of references to an easement in the Regulations.

### Substitution

**Paragraph 4** repeals regulation 5 of the Principal Regulations and provides for a new Part 1A—Plan Approvals. Regulation 5 of the Principal Regulations provides exemption for ACTEW and its employees from certain provisions of the Regulations.

### *Part 1A-Plan approvals*

#### *Division 1 - Certifiers*

##### *Appointment of certifiers*

**New subregulation 5 (1)** requires the owner of the premises where plumbing or drainage work is to be carried out must appoint a certifier. The appointment must be in writing.

**New subregulation 5 (2)** states that a certifier is not required for work on single residential buildings or work on pipes connected to a water pipe that at its connection with the water main has a diameter of less than 50 mm.

Meeting these requirements was previously a condition of acceptance of plans submitted for approval.

**New subregulation 7 (4)** requires a plan that shows:

- (a) the proposed sewerage and drainage lines;
- (b) for addition and alterations, the existing building and the proposed alterations, in distinguishable formats on the same plan;
- (c) any existing pipework, the new pipe work and any existing pipework to be disconnected, in distinguishable formats on the same plan;
- (d) the type of pipe material and the size and gradient of pipes for the proposed pipework;
- (e) lines of the different services in accordance with Australian Standard AS 1101.5-1984 *Graphical symbols for general engineering-Part 5: Piping, ducting and mechanical services for buildings*;
- (f) a key to the representation of the kinds of line;
- (g) the kind of sanitary fixture to be installed at each fixture point;
- (h) a table of the fixtures showing the numbers of each type of fixture installed using a standard system of numbering such as "1" for WCs and "2" for baths.

**New subregulation 7 (5)** gives the meaning of references in this regulation to Australian Standard 1100 and Australian Standard 1101.

### ***Issue of plan approvals***

**New paragraph 8 (1) (a)** requires approval of proposed work from the network utility operator if the work involves the disposal of non-domestic waste, an addition to the water supply requirements or sewer load, a change in the location of the points of connection to the sewerage system or water main, for work on the water supply for a fire control system, if surface water or stormwater is to be discharged into the sewerage system or if a pumping device is to be connected to the system. This is because non-domestic waste may need to be treated before being discharged into the sewer, surface water or stormwater may be discharged into the sewerage system only in exceptional circumstances, an existing sewer or water main may not be able to cope with proposed new loads or a pumping device may have an adverse effect on other consumers.

**New paragraph 8 (1) (b)** requires approval from the Chief Health Officer for the disposal to the sewerage system of radioactive materials.

**New subregulation 8 (2)** allows the certifier to approve plans if:

- (a) they comply with new regulation 7;
- (b) any third party approval required by new subregulation 8 (1) has been obtained;
- (c) with the requirements of Australian Standard 3500 *National Plumbing and Drainage Code* have been met; and
- (d) the application complies with any other requirement of the regulations.

**New subregulation 5 (3)** states that an appointment ends if the owner gives the certifier written notice or if the certifier gives the owner written notice.

**New subregulation 5 (4)** provides that an appointment ends if the certifier ceases to be eligible to be appointed. A certifier's eligibility is subject to the restrictions that section 8 of the *Construction Practitioners Registration Act 1998* places on interests in the work and to the provisions of that Act on registration and disciplinary action.

### ***Prohibition against contracting out***

**New regulation 6** makes void a provision in a contract or agreement that tries to affect any of the provisions of these regulations that relate to certifiers. The intention is to prevent conflicts between a certifier's statutory duty and the certifier's contractual obligations.

### ***Division 2 - Grant of plan approvals***

**Division 2** of new Part 1A deals with the grant of plan approvals by certifiers.

#### ***Application***

**New subregulations 7 (1) and (2)** require applications for plan approval to be made to the certifier by the owner of the premises where the work will take place, or by the owner's agent.

**New subregulation 7 (3)** states that applications must be in writing and give:

- (i) the name of the owner of the land;
- (ii) the block, section and suburb; and
- (iii) the boundaries and dimensions of the land.

The application must include a site plan, which is to be drawn in accordance with Australian Standard AS 1100, *Technical drawing* as in force on 1 March 1999 and at a scale of at least 1:200. The site plan must show:

- (i) where north is;
- (ii) the location of the points of connection to the sewer, the water main and the stormwater system;
- (iii) the boundaries of the block,
- (iv) the outline of buildings; and
- (v) the location of any easements.

In addition the plans must show:

- (a) any existing building and any proposed changes to them;
- (b) for multi-storey buildings, isometric representations of the soil and waste stacks; and
- (c) the hot and cold water lines.

**New subregulation 8 (3)** requires the certifier to give copies of the approved plans and the approval to the applicant as soon as possible and to the administrative unit administering the Regulations within seven days of approval.

#### ***Amendment of approved plans***

**New subregulations 9 (1) to (2)** allow amendments to approved plans to be approved.

**New subregulation 9 (3)** lets the certifier distinguish between minor amendments and amendments that are so extensive or of such a kind that they require a new application for plan approval.

**New subregulation 9 (4)** requires a certifier to keep for twelve months documents relating to an amendment. This will make them accessible to a compliance auditor under the *Construction Practitioners Registration Act 1998*.

**New subregulation 9 (5)** states that new regulation 9 applies to further amendments to plans that have already been amended.

#### ***Notification of appointment of or cessation of appointment of certifier***

**New regulation 9A** requires a certifier to report to the administrative unit administering the Regulations that he or she has become the certifier for plumbing or drainage work and if the certifier ceases to act in that capacity for the work. This requirement does not apply until a certifier has given plan approval for the work.

A penalty of 1 penalty unit is provided for contravention of this provision.

#### **Sprinkler fitting**

**Paragraph 5 (a)** amends regulation 10 of the Principal Regulations to require a licence holder to give two working days' notice to the administrative unit administering the Regulations before beginning work. The notice must be in writing.

The amendments update the penalty system. Penalties under the Principal Regulations have not been reconsidered for many years and are still expressed in dollars. **Regulation 5 (b)** rewords the penalty for contravention of this regulation from \$500 to 10 penalty units.

#### **House drainage work**

**Paragraph 6** provides a penalty of 10 penalty units for contravention of this regulation.

#### **Water plumbing work**

Regulation 13 of the Principal Regulations requires people who carry out water supply plumbing linked to the water mains to be licensed. **Paragraphs 7 (a) and (b)**

replace references to the ACTEW Authority's pipes with generic references to water mains.

**Paragraph 7 (c)** provides a penalty of 10 penalty units for contravention of the regulation.

### **Employment of unlicensed plumbers**

Regulation 14 of the Principal Regulations considers offences caused by using unlicensed people to carry out plumbing work. **Paragraph 8 (a)** reduces the scope of subregulation 14 (1) by making it an offence for a licensed plumber or drainer instead of any person to use an unlicensed person to carry out plumbing work. This amendment was made on the advice of the Legal Policy Division. **Paragraph 8 (b)** specifies that a reference in subregulation 14 (2) to a suspended or cancelled licence is to a licence held by a person engaged or employed to carry out work.

**Paragraph 8 (c)** revises the penalty for contravention of this regulation to 10 penalty units for an individual and 50 penalty units for a partnership, company or other corporate person.

### **Work to conform with a standard**

Regulation 14A of the Principal Regulations states that work on a sanitary plumbing or sanitary drainage system must comply with Australian Standard AS 3500 *National Plumbing and Drainage Code*. This standard does not include requirements for the manufactured products that are part of a plumbing and drainage system. There is a national system of approval of plumbing products which is carried out under Standards Australia Miscellaneous Publication MP 52, *Manual of Authorization Procedures for Plumbing and Drainage Products*. The amending regulations use this national system to replace the local authorisation of specific products that appear in the Principal Regulations. **Paragraph 9 (a)** requires materials used in a sanitary plumbing or sanitary drainage system to comply with the relevant requirements of MP 52.

A penalty of 10 penalty units is provided for contravention of this provision.

Subregulation 14A (2) of the Principal Regulations provides that in cases of inconsistency, the Regulations override Australian Standard 3500. **Paragraph 9 (b)** extends this to MP 52.

**Paragraph 9 (c)** omits subregulation 14A (3) of the Principal Regulations.

### **Interference with drains etc connected with sewerage system**

Regulation 15 of the Principal Regulations describes conditions under which a person may carry out sanitary plumbing and drainage.

**Paragraph 10 (a)** replaces subregulations 15 (1) to 15 (6) of the Principal Regulations and replaces them with new subregulations 15 (1) and (2). It removes references to the need for permits for sanitary drainage and sanitary plumbing and

details about those permits and replaces them by the requirements in **new subregulations 15 (1) (a) and (b)** for 2 days' advance notice that a licence holder is to start work.

The Principal Regulations allow licence holders to carry out certain kinds of minor plumbing and drainage work without the issue of a specific permit. **Paragraph 10 (a)** replaces minor works permits with requirements in **new subregulations 15 (1) (c) and (d)** for the licence holder to report work carried out within 7 days of completing the work and to do so in a minor works notice. A minor works notice must be in an approved form and **new subregulation 15 (10)** requires it to include:

- (a) the name and address of the person for whom the work was performed;
- (b) the address at which the work was carried out;
- (c) the nature of the work;
- (d) the payment for the work, not including the cost of the sanitary fixtures involved;
- (e) the date on which the work was completed; and
- (f) the date on which the notice was signed.

A penalty of ten penalty units is provided for a breach of new subregulation 15 (1).

**New subregulation 15 (2)** states that the licence holder when giving notice of intention to begin work must provide a copy of a plan approval given by a certifier under new regulation 8. If the work is on a single residential building, the licence holder need provide only a copy of a site plan that complies with subregulation 7 (3). Neither of these requirements applies to minor works notices. **New subregulation 15 (2)** requires the determined fee to be paid with notice of intention to begin work and for a minor works notice.

Subregulation 15 (7) of the Principal Regulations contains concessions from the requirement of subregulation 15 (1) of the Principal Regulations that sanitary plumbing and drainage must be carried out by a licensed sanitary plumber or licensed advanced sanitary drainer. It allows work to be carried out by a holder of a lower grade licence under the general supervision of the holder of an advanced licence. **Paragraphs 10 (b) and (c)** replace references to the supervisor as the holder of a permit or minor works permit with a person who holds a sanitary plumbers licence.

Subregulations 15 (8) and (9) of the Principal Regulations define minor plumbing and drainage work by its cost. **Paragraphs 4 (d) and (e)** maintain the cost limit and limit the scope of the work to repairs.

**Paragraph 10 (f)** inserts new **subregulation 15 (10)**, which defines the term "minor works notice".

## Repeal

**Paragraph 11** repeals regulations 15AA and 15AB of the Principal Regulations which dealt with reporting minor works.



## Substitution

**Paragraph 12** omits regulations 16 to 23 of the Principal Regulations which deal with plan approval, permits and notices for sanitary plumbing and drainage work. Most of the provisions are replaced by the system set out in new Regulations 5 to 9A.

### *Connection with the sewerage system*

**New Regulation 16** states that work connected to or disconnected from a sewerage system must be carried out in accordance with the Regulations, Australian Standard 3500 *National plumbing and drainage code* and the approved plan. The requirement for an approved plan does not apply to single residential buildings, where plumbing and drainage work does not require plan approval.

**New subregulations 17 (1) and (2)** require a person who carried out plumbing or drainage work to give the administrative unit administering the regulations two days notice in writing that the work is to begin. Work must be left uncovered and convenient for inspection until an inspector has inspected it or has advised that the work is not to be inspected.

**New subregulation 17 (3)** states that the person carrying out the work must keep on the premises a copy of the plan approval that shows any minor amendments to the approved plan, the parts of the work which have been notified under new subregulation 17 (1) and a record of the date or dates on which they were notified. The purpose of this is to ensure the inspector has access to the latest record of what has been approved or is to be carried out.

## Testing

Regulation 24 of the Principal Regulations requires drains to be tested by inspectors before being approved. **Paragraph 13 (a)** amends subregulation 24 (3) of the Principal Regulations to require the licence holder carrying out the work to provide equipment for testing. **Paragraph 13 (c)** substitutes subregulation 24 (4) of the Principal Regulations with **new subregulation 24 (4)** that requires the licence holder involved, and not the owner as in the current form of subregulation 24 (4), to correct any defects identified in the inspection. **Paragraph 13-(c)** also inserts after new subregulation 24 (4) a penalty of 5 penalty units.

**Paragraph 13 (b)** omits the penalty following subregulation 24 (3) of the Principal Regulations.

**Paragraphs 13 (d) and (e)** replace references in subregulations 24 (6) and 24 (7) of the Principal Regulations to ACTEW's "Engineer" with "the Inspector".

### **Drains etc not constructed in accordance with Regulations to be removed or repaired**

Regulation 25 of the Principal Regulations contains powers to deal with drains and associated equipment and apparatus that are not in accordance with the Regulations or are in unsatisfactory condition. **Paragraphs 14 (a) and (b)** replace references to

ACTEW's "Engineer" and "Proper Authority" in subregulations 25 (1) and (2) with "Chief Executive".

**Paragraph 14 (c)** provides for a penalty of 10 penalty units for an individual and 50 penalty units for a partnership, company or other corporate person for contravention of this regulation.

### **Substitution**

**Paragraph 15** repeals regulations 26 and 27 of the Principal Regulations and substitutes a new Regulation 27 dealing with notification of completed work.

### ***Notification after completion of work***

**New subregulation 27** requires the person who carries out work to report within seven days of its satisfactory completion. The notification must be provided on an approved form and include a statement of the work and proof that the fees payable under subregulations 15 (2) and 24 (8) of the Principal Regulations have been paid. For a single residential building, where plan approval is not required, the person who carries out work must provide a copy of a drainage plan. The drainage plan must be endorsed as a correct representation of the work carried out. For other work, where plan approval by a certifier is required, the person who carried out the work must provide a copy of an approved drainage plan of the completed work that is certified as a correct record of the drainage work carried out.

### **Drainage of houses to be separate**

Regulation 28 of the Principal Regulations requires each house and building to have its own drainage except in certain circumstances. **Paragraph 16 (a)** replaces a reference to ACTEW as the regulator with Chief Executive and removes a specific concession for buildings with a common owner. **Paragraph 16 (b)** provides for a **new subregulation 28 (2)** which sets out circumstances in which houses or buildings that have combined drainage must be provided with separate drainage. Separate drainage must be provided when there are separate titles to the land on which the houses or buildings stand, the owner of land that does not contain the shared section of drainage system carries out significant drainage work and the combined drainage was installed before the date when the amending regulations come into force. **New subregulation 28 (3)** defines significant work as drainage work that alters the drains to more than half the fixtures or increases the number of fixtures by more than half.

### **Repeal**

**Paragraph 17** repeals regulations 29 to 44 and 47 to 59 of the Principal Regulations which contained requirements that are now provided for in national codes or are no longer required.

## Rain and surface waters not to be discharged into sewers

Regulation 61 of the Principal Regulations requires stormwater to be kept out of the sewerage system. **Paragraph 18 (a)** adds to subregulation 61 (1) a statement that its prohibition is subject to new subregulation 63 (3). **Paragraph 18 (b)** introduces at the end of subregulation 61 (1) a specific penalty of 10 penalty units for an individual and 50 penalty units for a partnership, company or other corporate person for contravention of this provision. **Paragraph 18 (c)** adds new subregulation 61 (3). This subregulation allows stormwater to be discharged into the sewerage system if the operator of the sewerage system has given written approval.

## Injury to sewers

Regulation 62 of the Principal Regulations limits the materials that may be added to the sewerage system. **Regulation 19** replaces references in paragraphs 62 (2) (a) and (b) to the ACTEW Authority and its officers with references to the network utility operator. It omits the control in (2) (b) (i) on adding to the sewerage system liquids at a temperature over 40 degrees C. Removing this criterion makes the definition of non-domestic liquid waste in 62 (2) (b) consistent with the standard national definition.

**Paragraph 19 (a)** amends the numbering of the Regulation so that its remaining provisions are not all grouped as subregulation (2). **Paragraph 19 (h)** adds a specific penalty of 10 penalty units for an individual and 50 penalty units for a partnership, company or other corporate person for contravention of this provision.

## Repeal

**Paragraph 20** repeals regulations 63 to 79 of the Principal Regulations which contained requirements that are now provided for in national codes or are no longer required.

## Water closets and urinals

Regulation 80 of the Principal Regulations contains requirements for water closets and urinals. **Paragraphs 21 (a), (b) and (d)** replace references to ACTEW's employees as the regulator with "Chief Executive".

Subregulations 80 (2) to 80 (5) of the Principal Regulations contain requirements for the construction of water closets that are now provided for in Australian Standard 3500 *National plumbing and drainage code* and MP 52 *Manual of Authorization Procedures for Plumbing and Drainage Products*. **Paragraph 21 (c)** omits the subregulations.

## Repeal

**Paragraph 22** repeals regulations 81 to 90 of the Principal Regulations which contained requirements that are now provided for in national codes or are no longer required.

## **Substitution**

**Paragraph 23** repeals regulations 92 to 96 of the Principal Regulations and substitutes a new regulation 93. Regulations 92 to 96 contain outdated technical requirements for water service connections, the equivalents of which are now included in subdivision documentation which is required to comply with ACTEW's "Water Supply and Sewerage Standards". New regulation 93 modifies certain provisions of omitted regulation 93.

### ***Provisions relating to meters***

**New subregulation 93 (1)** requires the owner of premises where a water meter is installed to maintain access to the meter.

**New subregulation 93 (2)** states that the position of the meter may only be changed with the permission of the network utility operator. The application and the permission must be in writing.

**New subregulation 93 (3)** provides a specific penalty of 10 penalty units for an individual and 50 penalty units for a partnership, company or other corporate person for contravention of this provision.

### **Work on water service**

Regulation 97 of the Principal Regulations deals with approval requirements for water supply plumbing. **Paragraphs 24 (a) and (b)** modify the terms used to refer to an application to lay water supply pipes in subregulations 97 (1), so that it refers to the new system of notification of intention to begin work and replaces the term "water service" with the term "property service", which is defined in Australian Standard 3500 *National Plumbing and Drainage Code*.

**Paragraph 24 (c)** omits subregulations 97 (2) and (3) of the Principal Regulations which dealt with plan approval for water supply plumbing and requirements on the completion of work. These provisions are now dealt with under new Part 1A and new regulation 101 respectively..

**Paragraph 24 (c)** adds new subregulation 97 (2), which requires payment of a determined fee for work that requires inspection but not plan approval.

### **Work to conform to a standard**

Regulation 97A defines the standards for installations of water supply plumbing.

**Paragraph 25 (a)** adds to subregulation 97A (1) a specific reference to a hot water system to clarify the application of Part IV of the Principal Regulations.

**Paragraph 25 (b)** replaces a reference in subregulation 97A (1) of the Principal Regulations to ACTEW's pipe with the generic term water main.

**Paragraph 25 (c)** replaces the quantum in the penalty provision following subregulation 97A (1) with a reference to ten penalty units.

**Paragraph 25 (d)** adds new subregulation 97A (1A). **New subregulation 97A (1A)** requires products used in water supply plumbing to comply with Standards Australia Miscellaneous Publications MP 52 *Manual of Authorization Procedures for Plumbing and Drainage Products*.

A penalty of 10 penalty units is provided for contravention of this provision.

Subregulation 97A (2) of the Principal Regulations says that in cases of inconsistency, the Regulations override Australian Standard 3500 *National plumbing and drainage code*. **Paragraph 25 (e)** extends this to MP 52 *Manual of Authorization Procedures for Plumbing and Drainage Products*.

**Paragraph 25 (f)** omits subregulation 97A (3) which contained transitional provisions which are no longer required.

### Repeal

**Paragraph 26** repeals regulations 98 and 99 of the Principal Regulations. Regulation 98 is provided for in national standards and regulation 99 is not considered necessary.

### Backflow prevention device

Regulation 100A of the Principal Regulations deals with the installation of backflow prevention devices, in order to prevent contamination of the potable water supply. Australian Standard AS 3500 *National Plumbing and Drainage Code* requires annual testing of testable backflow prevention devices to ensure they are in working order. Part 3 of the standard on backflow devices, Australian Standard AS 2845 *Water supply-Backflow prevention devices-Part 3: Field testing and maintenance* identifies the tests which require special training and equipment to perform adequately.

**Paragraph 27 (a)** replaces paragraphs 100A (1) (a) and (b) of the Principal Regulations with wording that omits references to ACTEW's Engineer as the regulator and permits for water supply plumbing.

A penalty of 5 penalty units is provided for contravention of paragraph 100A (1) (a) and a penalty of 10 penalty units for an individual and a penalty of 50 penalty units for a partnership, company or other corporate person for contravention of paragraph 100A (1) (b).

**Paragraph 27 (b)** replaces subregulation 100A (2) of the Principal Regulations with new subregulations 100A (2) to (4).

**New subregulation 100A (2)** states that a person who installs a testable backflow prevention device must register the device with the administrative unit administering the Regulations, ensure that the device is tested under the version of Australian Standard 2485.3 that was in force on 1 March 1999 and provide the administrative unit administering the Regulations with a copy of a report of the test made by the

person who carried out the test. The copy must be provided within seven days of carrying out the test.

A penalty of 10 penalty units applies to contravention of this provision.

**New subregulation 100A (3)** requires the owner of land on which a testable backflow prevention device has been installed to ensure it is tested annually and after maintenance or repair work. Testing and reporting must be as set out in the previous subregulation.

A penalty of 10 penalty units for an individual and a penalty of 50 penalty units for a partnership, company or other corporate person is provided for contravention of this provision.

**New subregulation 100A (4)** provides the definition for an "appropriate backflow prevention device" and a "suitably qualified person". The person who carries out the testing in new subregulations 100A (2) and (3) must be a licensed plumber and have passed the Canberra Institute of Technology's course "Backflow prevention" or an equivalent course. The plumber's licence need not be an ACT licence.

### **Substitution**

**Paragraph 28** omits Regulation 101 and Regulation 102 of the Principal Regulations. The matters considered in Regulation 101 are now dealt with by MP 52 *Manual of Authorization Procedures for Plumbing and Drainage Products* and the size of baths is controlled by charging for water according to the amount used. **Regulation 28** substitutes a new Regulation 101.

### ***Notification after completion of work-water services***

**New regulation 101** applies to work on cold water or hot water systems. Once the work is complete, the person who has carried out the work must inform the administrative unit administering the regulations within seven days. The report must contain a statement of the work and be in an approved form. If the work is for a building that is linked to the water main by a section of pipe with a diameter of 50 mm or more, plan approval by a certifier is necessary. Within seven days of completion of the work the person who has carried out the work must provide the administrative unit administering the regulations with a copy of the approved plan for the completed work. The copy must be certified as a true record of the work carried out.

### **Water pumping appliance not to be connected to a water main without permission**

Regulation 103 of the Principal Regulations deals with the connection of pumping devices to a water main. **Paragraph 29** replaces references in subregulation 103 (2) to "an Authority pipe" and ACTEW's "Proper Authority" with references to "a water main" and "a network utility operator" respectively. **Paragraph 29 (c)** omits subregulations 103 (3) to (4). They describe the considerations that the network utility operator may take into account in granting or refusing permission to connect a pumping device to a water main.

## Repeal

**Regulation 30** omits regulations 105 and 107 to 110 (inclusive) of the Principal Regulations. Regulation 105 is concerned with the nature of stand-pipes and is now unnecessary. Regulations 107 and 108 consider the unauthorised disposal of ACTEW's water. They are no longer required now that the cost of water to consumers depends on the amount consumed. Regulation 110 requires two days notice of actions in relation to the water supply. This notice is now provided for elsewhere in the regulations.

## Unlawful taking of water

Regulation 112 of the Principal Regulations deals with the penalty for the unlawful taking of water from the water supply system and the penalty for illegally taking or diverting water. **Paragraph 31 (a)** replaces and rephrases subregulation 112 (1). It replaces specific references to ACTEW and its officers with the general term "network utility operator". It changes the existing penalty for contravention of this provision to 10 penalty units for an individual and 50 penalty units for a partnership, company or other corporate person.

**Paragraph 31 (b)** removes the separate heading for subregulation 112 (2).

**Paragraph 31 (c)** replaces references in subregulation 112 (2) to the ACTEW Authority and its employees with a reference to the network utility operator.

## Repeal

**Regulation 32** repeals regulation 113 of the Principal Regulations which covered the onus of proof in relation to the unauthorised taking of water. This provision is no longer considered necessary.

## Inspection of private premises

Regulation 114 of the Principal Regulations contains provisions about the inspection of parts of plumbing and drainage systems. **Paragraphs 33 (a), (c), (e), (g), (h), (i) and (j)** replace or substitute and replace references in subregulations (1), (2), (3), (4) and (5) to ACTEW employees as responsible for inspections with "Chief Executive".

**Paragraph 33 (b)** removes the reference in subregulation 114 (1) to powers to remove materials.

**Paragraph 33 (c)** replaces the penalty in subregulation 114 (2) with one of 10 penalty units for an individual and 50 penalty units for a partnership, company or other corporate person.

**Paragraph 33 (d) and (f)** modify subregulation 114 (3) so that notices may be issued to the owner of works over failure to carry out testing as well as in relation to unsatisfactory drains or works. The notice may require the owner not only to carry out work on unsatisfactory drains or works within a specified period but also to carry

out a test. If testing is required, the owner must report the results of the test within seven days of carrying it out.

### **Substitution**

**Paragraph 34** repeals regulations 114A to 118 (inclusive) of the Principal Regulations and substitutes new regulations 115 and 116. Regulation 114A allowed ACTEW to permit substitutions for the materials required by the regulations. This is now replaced by the national plumbing products authorisation scheme under Australian Standard MP 52. Regulation 114B is a general penalty provision and is replaced under the amending regulations by individual penalties. Regulation 115 is part of the discontinued scheme of minor plumbing and drainage permits. Regulation 116 provides for an optional certificate of compliance for completed plumbing and drainage work. It is replaced by a new regulation 115. Regulation 117 and 18 deal with review by the Administrative Appeals Tribunal. They are replaced by a new regulation 116.

### ***Certificate of compliance with Regulations***

**New subregulations 115 (1) and (2)** allow the owner of premises to apply for a certificate of compliance for plumbing or drainage work. The application must be in writing and a determined fee is payable with it. The delegate may issue a certificate if satisfied that the requirements of new subregulations 115 (1) and (2) have been met and that the plumbing and drainage work complies with the regulations. Plumbing and drainage work must not be used unless a certificate has been issued.

A penalty of 10 penalty units for an individual and 50 penalty units for a partnership, company or other corporate person is provided for contravention of this provision.

### ***Review of decisions***

**New subregulation 116 (1)** lists the decisions under the regulations that the ACT Administrative Appeals Tribunal may review. They are:

- (a) the issue of a notice under subregulation 25 (1) requiring the owner of premises to remove or repair a sanitary fixture or drainage apparatus;
- (b) the issue of a notice under subregulation 114 (3) requiring the owner of premises to carry out work or a test within a specified time; and
- (c) refusal to issue a certificate of compliance under subregulation 115 (3).

**New subregulations 116 (2) and (3)** require the decision maker to give written notice of a reviewable decision to a person affected by it. The notice must contain the details required by the Code of Practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

### **Further amendments**

**Paragraph 35** makes the additional amendments that are listed in the Schedule to the amending regulations.



## Transitional

**Paragraph 36** states that the form of the Principal Regulations in force on the day before the amending regulations commence continues to apply to plumbing or drainage work begun before that date and completed before 28 February 2001.

## Renumbering

**Paragraph 37** renumbers the **Principal Regulations** as amended by these regulations. **Subregulation 37 (3)** preserves the meaning of references in other ACT legislation to the superseded numbering system. **Subregulation 37 (4)** gives the meaning of references in this regulation to "amended regulations".

## Schedule

The **Schedule** lists the minor amendments made by **Paragraph 35**.

### "Proper Authority", "Engineer" and "Supervising Officer"

The **Schedule** deals with references in the Principal Regulations to ACTEW's Engineer, Proper Authority or Supervising Officer by replacing them with a reference to the Chief Executive of the administrative unit administering the Regulations or omitting the reference when an Inspector may also perform a function. This is done in subregulations 4 (1) (definition of "approved"), 15A (c) and 100 (1) (b). In subregulations 100 (7) (a) and (b) it replaces terms that include the Engineer and the Inspector with references to the Chief Executive.

### Interpretation

The **Schedule** omits the words in the definition of "the Inspector" in regulation 4 of the Principal Regulations that refer to employment by the ACTEW Authority or appointment by ACTEW's Proper Authority and replace them with a reference to appointment by the Chief Executive of the administrative unit administering the regulations.

### "Authority pipe"

The **Schedule** replaces references in the Principal Regulations to "Authority pipe" with references to "water main". This term is correct in context and is defined in Australian Standard 3500. This is done in subregulations 100 (1) (b), 100 (1) (c) and 100 (4).

### "Authority"

The **Schedule** deals with references in the Principal Regulations to the Authority (ACTEW) as the regulator of plumbing and drainage work on private land by replacing them with references to the Chief Executive of the administrative unit administering the Regulations. When in subregulations 106 (1) and 106 (2) and regulation 111 the Principal Regulations refer to the ACTEW Authority in its role as water supplier and sewerage system operator, the **Schedule** substitutes the generic term "network utility operator". This term is defined in Australian Standard 3500 and subregulation 4 (2) of the Principal Regulations states that terms used in the Regulations are to be taken as having the same meaning as in this Standard.

### **Penalty provisions**

The **Schedule** updates existing penalties with one of 10 penalty units for an individual and 50 penalty units for a partnership, company or other corporate person. This is done in subregulations 100 (1), 100 (6), 104 (3) and 106 (2).

### **Sanitary plumbers to be licensed**

The **Schedule** replaces the penalty under subregulation 11 (1) of the Principal Regulations with one of 10 penalty units.

### **Unblocking of drain by owner of land**

Regulation 15A of the Principal Regulations contains a concession for emergency work on blocked drains. The regulation refers to three otherwise applicable regulations that are not to apply. Of these, regulation 47 is omitted by regulation 17 of the amending regulations and the **Schedule** corrects the reference.

### **“Authority” and “permit”**

The **Schedule** rewrites 100 (1) (a) of the Principal Regulations to replace references to the “ACTEW Authority” and to remove references to the requirement for a permit for water supply plumbing.

### **Notice of interference with certain pipes etc**

Subregulation 100 (5) of the Principal Regulations gives ACTEW’s Proper Authority the power to allow urgent repairs to water plumbing without notice in emergencies. This is now covered in the amended system of minor works. The **Schedule** removes the subregulation.

Subregulation 100 (6) of the Principal Regulations refers to the arrangements for inspection of water supply plumbing work. The **Schedule** replaces the provision. It requires the work to be available and convenient for inspection until it has been inspected or the Inspector has said that it will not be inspected.

### **“Tank” for boiler**

In subregulation 104 (2) of the Principal Regulations the **Schedule** replaces a reference to a specific device with a reference to a “break tank” for the boiler. This term is defined in Australian Standard 3500 and allows for modern devices.

### **Unlawful taking of water**

In subregulation 106 (1) of the Principal Regulations, the **Schedule** replaces the penalty with 10 penalty units for an individual and 25 penalty units for a corporate person.

### **Bathing etc in waterworks**

In regulation 111 of the Principal Regulations, the **Schedule** replaces the penalty with one of 5 penalty units.