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AUSTRALIAN CAPITAL TERRITORY LEGISLATIVE ASSEMBLY

**CANBERRA SEWERAGE AND WATER SUPPLY
REGULATIONS (AMENDMENT)**

EXPLANATORY MEMORANDUM

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CANBERRA SEWERAGE AND WATER SUPPLY REGULATIONS (AMENDMENT)

The Canberra Sewerage and Water Supply Regulations (Amendment) ('the Amending Regulations') amend the Canberra Sewerage and Water Supply Regulations ('the Principal Regulations') in force under the *Electricity and Water Act 1988*.

OUTLINE

The Principal Regulations set out various requirements to be observed in providing and connecting sewerage and drainage systems and water supply services. The Principal Regulations also provide for the issue of permits to plumbers and drainers to do plumbing and drainage work. The sewerage system that is referred to throughout the Principal Regulations is the sewerage system that is under the control of the Australian Capital Territory Electricity and Water Authority ('the Authority').

The Amending Regulations amend the Principal Regulations to:

- apply Australian Standard 3500 (known as the 'National plumbing and drainage code') as the applicable standard for plumbing and drainage work in the Territory. There are consequential repeals and amendments to provisions of the Principal Regulations that are concerned with technical plumbing and drainage requirements that are also covered by the Code;
- modify some of the machinery provisions relating to the approval of plans by the Engineer, testing of drains, the determination and payment of fees for permits, and other minor matters; and
- change any sexist terminology to gender neutral terminology, increase penalties for contravention of the Principal Regulations, and update the appeal and various other provisions in accordance with current drafting practice.

The adoption of Australian Standard 3500 will bring the Territory into step with other States and Territories. The intention of the national application of Australian Standard is to ensure that the plumbing industry has a consistent set of technical standards.

AMENDMENTS RELATING TO AUSTRALIAN STANDARD 3500

Regulation 5 inserts new regulation 14A. This new regulation provides that any work that is carried out on a sanitary plumbing system or a sanitary drainage system that is connected to, or forms part of, the sewerage system must comply with Australian Standard 3500.

Subregulations 4(b) and (c), respectively, insert a definition of Australian Standard 3500 and an interpretation provision providing that expressions used in the regulations that are used in Australian Standard 3500 have the same meaning as in that Standard.

As a consequence of the interpretation of various expressions by reference to Australian Standard 3500, *subregulation 4(a)* omits various definitions from the interpretation provision of the Principal Regulations. These definitions, with the exception of the definition of "determined fee" are all covered by Australian Standard 3500.

Consequential repeals

Australian Standard 3500, as applied by new regulation 14A, covers a variety of matters that are currently dealt with by various provisions of the Principal Regulations. Consequently, those provisions of the Principal Regulations are repealed by the Amending Regulations. The repeals made by *regulations 16, 18, 21, 23, 26, 29 and 31* are consequential to the application of Australian Standard 3500 by new regulation 14A.

Consequential amendments

The Principal Regulations are consequentially amended by *regulation 7, subregulation 8(a), regulations 10 and 11, subregulation 15(a), regulations 17, 19, 20, 24, 25, 27, 28, 30, 32, 33, subregulation 35(c) and regulations 36, 37, 39 and 43*. These regulations delete many technical references to materials throughout the Principal Regulations so that the terminology and intent of the regulations is consistent with Australian Standard 3500.

MACHINERY AMENDMENTS

The Principal Regulations are also amended to clarify the operation of various provisions. These machinery amendments fall into five broad categories. The amendments concerned with determined fees put beyond doubt the basis on which

fees are determined and collected under the Principal Regulations. The changes to the plumbing and drainage permit provisions simplify the administrative processes. The provisions relating to the requirement to provide plans of sanitary plumbing and drainage systems and sewers are clarified. The obligation to provide testing apparatus for the testing of drains is altered and the provisions relating to the disposal of certain substances into the drains and sewers of the Authority are updated to accord with current practice.

Determined fees

Subregulation 2(a) omits the definition of "determined fee" from regulation 4 of the Principal Regulations. Henceforth fees will be determined under section 80 of the *Electricity and Water Act*. *Subregulations 6(a) and 9(b)*, respectively, provide for the payment of a determined fee for a permit to do plumbing or drainage work under regulation 15 and for the approval of the Proper Authority to connect with the sewerage system under regulation 18. Prior to this latter amendment, subregulation 18(4) specifically excluded the payment of a fee for the inspection of plans relating to the connection of minor sanitary plumbing work or minor drainage work to the sewerage system. *Subregulation 9(c)* omits subregulation 18(4).

Plumbing and drainage permits

Regulation 6 amends regulation 15 of the Principal Regulations so that the form of the plumbing and drainage permits is as approved by the Engineer rather than as prescribed by the Regulations. The approval of the form of permits by the Engineer is administrative matter rather than one which requires the consideration of the Executive. *Regulation 45* repeals the Schedule of the Principal Regulations. The Schedule sets out the form of the permits for the purposes of regulation 15. There is also a consequential amendment made by *regulation 35* to regulation 100 of the Principal Regulations which also refers to the form of permits.

Regulation 6 also changes the definitions of minor plumbing work and minor drainage work so that work will fall within these categories if the consideration for the performance of the work does not exceed \$1000. This change from \$400 to \$1000 merely recognises the effect of increased costs and inflation.

Requirements relating to plans

Subregulation 8(c) amends regulation 17 of the Principal Regulations to provide that applications for permission to connect to the sewerage system must be accompanied by a plan of the sanitary plumbing system, sanitary drainage system or sewer that is to be connected to the sewerage system. This requirement is included to ensure that the Proper Authority has adequate information to decide whether the connection to the sewerage system may properly be made.

Subregulation 9(b) consequentially amends the Principal Regulations to make it clear that the plans that must be approved by the Engineer under subregulation 18(1) are the plans submitted under regulation 17.

Regulation 12 repeals regulations 21 and 22 of the Principal Regulations and substitutes a new regulation 21. This amendment clarifies the requirement on the Proper Authority to provide plans for individual blocks of buildings showing the position of the sewer and the position to which the building drain must be connected.

Testing of drains

Regulation 14 amends regulation 24 of the Principal Regulations to provide that, where a drain is required to be tested, it is the owner of the property on which the drain is located that is required to furnish such apparatus, tools, labour and assistance as are necessary for the Inspector to conduct the test. Previously the Principal Regulations required that the special testing apparatus was provided by the Proper Authority however this is very time consuming procedure for both the owner and the Proper Authority and is no longer practical. The Proper Authority has not provided the equipment for testing for over 20 years. Current practice is for the plumber, who is an employee of the owner, to provide and use all apparatus and tools for testing. The inspector observes the performance of the tests. This amendment formalises this practice.

Injury to sewers

Regulation 22 amends regulation 62 of the Principal Regulations to add liquid containing "other noxious substances" to the types of liquid that may not be disposed of into a drain or sewer under the control of the Authority. This amendment recognises that there are substances which do not fall within the categories of liquids, other than

ordinary domestic sewage, containing mineral, salt, acid, or gas that are already proscribed by regulation 62 which may nevertheless cause damage to the drains and sewers of the Authority. *Regulation 22* also inserts a provision into regulation 62 that provides that the Engineer may nevertheless approve the disposal of these types of liquids into the drains and sewers of the Authority. This amendment formalises an existing arrangement.

FORMAL AND TECHNICAL AMENDMENTS

Administrative Appeals Tribunal provisions

Regulation 42 repeals regulation 117 of the Principal Regulations and substitutes a new regulation 117. The new regulation 117 incorporates all of the provisions of the old regulation 117 with the addition of new provisions requiring notification of decisions and preserving the validity of the decisions if the required notice is not given. These new provisions are consistent with current legislative drafting practice.

Penalties

The penalties in the Principal Regulations are increased by the Amending Regulations in accordance with the maximum penalties allowed by the regulation making power in section 82 of the *Electricity and Water Act*. In particular, *regulation 46* repeals regulation 114B of the Principal Regulations and substitutes a new regulation 114B. New regulation 114B, in addition to the general penalty for contravention of the regulations, provides that the maximum penalty for a corporation is five times that provided for a natural person. New regulation 114B is also consistent with the regulation making power in section 82 of the *Electricity and Water Act*.

Sexist language

The Principal Regulations are also amended by the Amending Regulations so that they are expressed in gender neutral terms. The majority of these amendments are contained in the *Schedule*.

Miscellaneous amendments

There are also several miscellaneous amendments to the Principal Regulations. *Regulation 13* amends regulation 23 to substitute references to "working days" for

references to "48 hours". *Regulation 4* amends regulation 12 of the Principal Regulations to remove the reference to the supervision of the Engineer. Part III of the Principal Regulations already provides for the supervision of work by the Engineer and the deletion of the reference in regulation 12 is designed to remove any confusion. There also several amendments to the Principal Regulations to remove unnecessary references to "authorised agents".