

Australian Capital Territory

Explanatory Statement

Water and Sewerage (Plumbing Code) Declaration 2006

Notifiable Instrument NI2006–318

made under the

Water and Sewerage Act 2000, section 46(1) (Plumbing Code)

Section 46 of the *Water and Sewerage Act 2000* (the Act), enacted through the *Construction Occupations Amendment Act 2006*, allows the Minister to declare a document to be the plumbing code for the purposes of the Act. Section 15 (3) of the Act provides that a licensed plumber, when undertaking work which is covered by the plumbing code, commits an offence if the work is not done in accordance with the plumbing code.

The Plumbing Code of Australia (PCA) was developed and published by the National Plumbing Regulators Forum. The Forum is comprised of State and Territory agencies which are responsible for the regulation of plumbing work in the various jurisdictions. The PCA consolidates and references existing plumbing standards adopted by the jurisdictions.

The declaration under s 46 (1) of the Water and Sewerage Act 2000 declares that the plumbing code consists of certain sections of the Plumbing Code of Australia as published by the National Plumbing Regulators Forum. The determination only references those sections which relate to work for which a licence is required in the Australian Capital Territory.

The Plumbing Code of Australia

The National Plumbing Regulators Forum produces the Plumbing Code of Australia (the Code). The Code is intended to be the basis of nationally consistent regulations on all on-site plumbing installations and plumbing product certification and authorisation. Its objective is to provide an appropriate level of protection for the community, amenity, water utilities infrastructure, water resources and the environment, while at the same time encourages the conservation of water and energy resources.

The Code provides the basis upon which reform to achieve greater national consistency may be developed and implemented. The process of plumbing regulation reform began nationally during the 1990s with the separation from water utilities of the responsibilities for plumbing installation regulation.

The adoption of the Code will deliver greater national uniformity, consistency of approach and increased efficiencies within the industry.

The Code aims to achieve of an acceptable standard of installation in order to provide for public health, safety and amenity, resource and environment conservation, sustainability, and protection of public and private infrastructure. The requirements in the Code are designed to ensure that any plumbing and drainage installation is fit for its intended purpose, do not have an adverse impact on the environment and can continue to function as intended without excessive maintenance. The Code extends regulations no further than is necessary in the public interest, and that is are cost effective, easily understood and is not needlessly onerous in their application.

The Code sets out performance based technical provisions for the design, construction, installation, replacement, repair, alteration and maintenance of plumbing and drainage installations throughout Australia. It also sets out the requirements for the use of materials and products in plumbing and drainage installations and defines the processes for the certification and authorisation of materials and products that require statutory authorisation to enable their use in plumbing and drainage installations.

The Code is made up of seven sections. The Code acknowledges that the adoption of the Code by States and Territories could be subject to the variation or deletion of some of its provisions.

Provisions in the declaration

The declaration is made under section 46 (1) of the *Water and Sewerage Act 2000*.

Clause 1 declares that sections A, B, C, and G of the Plumbing Code of Australia as Published by the National Plumbing Regulators Forum Trust in 2004 is the plumbing code under section 46 of the Water and Sewerage Act 2000.

Clause 2 The Determination provides that for the purposes of this determination, section 47 (5) and (6) of the *Legislation Act 2001* do not apply. This clause removes the requirement for the text of the Plumbing Code of Australia to be notified, as doing so would be in breach of copyright as the Code is published by the National Plumbing Regulators Forum (NPRF) and the NPRF is the copyright owner.

Clause 3 provides that the plumbing code may be inspected during business hours at the ACT Planning and Land Authority Shopfront, 16 Challis Street, Dickson. This is in order for the Appendix to be accessible for the public to inspect, it will be made available at the Planning and Land Authority shopfront at Dame Patty Menzies House, 16 Challis Street, Dickson.

Clause 4 provides that the instrument commences the day after notification.

Explanation of the sections referenced in the Plumbing Code of Australia.

The Plumbing Code of Australia consists of seven sections. The determination references only four of these. Sections of the PCA which relate to work that is currently not licensable in the ACT are not referenced in the determination.

Section A sets out the general provisions and explains the structure of the Code.

Sections B to C of the Code contain the technical performance requirements for the design, construction, installation, replacement, repair, alteration and maintenance of water services, and sanitary plumbing and drainage systems.

Section G of the Code contains the procedures for certification of plumbing and drainage products for authorised use in new installations, alterations, additions, replacement and repairs to existing installations.