



Australian Capital Territory

Canberra Sewerage and Water Supply Regulations (Amendment)

Subordinate Law No. 3 of 1999

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Australian Capital Territory

Canberra Sewerage and Water Supply Regulations¹ (Amendment)

Subordinate Law No. 3 of 1999²

The Australian Capital Territory Executive makes the following
Regulations under the *Energy and Water Act 1988*.

Dated 7 April 1999.

BRENDAN SMYTH
Minister

GARY HUMPHRIES
Minister

1. Commencement

These Regulations commence on the day on which they are notified
in the *Gazette*.

2. Principal Regulations

In these Regulations, “Principal Regulations” means the *Canberra Sewerage and Water Supply Regulations*.

3. Interpretation

Regulation 4 of the Principal Regulations is amended—

- (a) by omitting from subregulation (1) the definition of “Australian Standard 3500” and substituting the following definition:

“ ‘Australian Standard 3500’ means Australian Standard 3500 as in effect on 1 March 1999;”;

- (b) by omitting from subregulation (1) the definitions of “Authority”, “Authority pipes”, “authorised”, “determined charge”, “disconnecter trap”, “internal closet”, “ordered”, “public building”, “Supervising Officer”, “Territory Land”, “the Engineer”, “the Proper Authority” and “the sewerage system”;

- (c) by inserting in subregulation (1) the following definitions:

“ ‘business day’ means a day other than a Saturday, Sunday or another day that is a public holiday in the Territory;

‘certifier’ means a registered construction practitioner who is registered in the category of Plumbing Plan Certifier in accordance with the *Construction Practitioners Registration Regulations*;

‘determined fee’ means the fee determined under section 80 of the Energy and Water Act for the purposes of the provision of these Regulations where the expression occurs;

‘MP52’ means the Manual of Authorisation Procedures for Plumbing and Drainage Products, being that manual published by Standards Australia on behalf of the Agriculture and Resources Management Council of Australia and New Zealand Committee for Plumbing Product Authorisations, entitled ‘SAA MP52—1997’;

‘plan approval’ means a plan approval issued under regulation 8;

‘registered construction practitioner’ means a person who is registered under the *Construction Practitioners Registration Act 1998*;

‘single residential building’ means a detached house or a building making up no more than 2 residences, and includes—

- (a) a part of such a building; and
- (b) an adjunct to such a building;

‘site plan’ has the same meaning as in Australian Standard HB 50 as in effect on 1 March 1999;” and

(d) by adding at the end the following subregulation:

“(3) A reference to an easement shall be read as including a reference to an area of land identified as an easement for electricity, telecommunication, water, drainage and sewerage services in, on or over the land on—

- (a) a certificate of title relating to that land; or
- (b) a deposited plan, within the meaning of the *Districts Act 1966* relating to that land.”.

4. Substitution

Regulation 5 of the Principal Regulations is repealed and the following Part substituted:

“PART IA—PLAN APPROVALS

“Division 1—Certifiers

“5. Appointment of certifiers

“(1) The owner of premises on which it is proposed to carry out plumbing or drainage work shall, in writing, appoint a certifier in relation to the work.

“(2) Subregulation (1) does not apply—

- (a) if the structure in relation to which the plumbing or drainage work is to be carried out is a single residential building; or
- (b) if the work is on a pipe connected to a property service less than 50 mm in diameter.

“(3) An appointment ceases to be in effect if—

- (a) the owner of premises revokes the appointment by notice in writing given to the certifier; or

- (b) the certifier relinquishes the appointment by notice in writing given to the owner of premises.

“(4) Where a certifier, after being appointed, ceases to be entitled to be appointed as a certifier in relation to the relevant plumbing or drainage work, his or her appointment under subregulation (1) ceases to be in effect, by virtue of this subregulation, when the certifier ceases to be so eligible.

“6. **Prohibition against contracting out**

A provision in a contract or agreement that limits or modifies, or purports to limit or modify, the operation of these Regulations in relation to a certifier of plumbing or drainage work, is void.

“Division 2—Grant of plan approvals

“7. **Application**

“(1) The owner of premises may apply, in accordance with this regulation, to a certifier for approval of plans in relation to plumbing or drainage work to be carried out on the land.

“(2) An application under subregulation (1) may be made by an agent of the owner on the owner’s behalf.

“(3) An application under subregulation (1)—

- (a) shall be in writing;
- (b) shall specify—
 - (i) the name of the owner of the premises; and
 - (ii) the block, section, boundaries and dimensions of the parcel of land;
- (c) shall include a site plan drawn in accordance with Australian Standard 1100 on a scale of not less than 1:200 showing—
 - (i) north point;
 - (ii) the points of connection to the sewerage system, the water main and the storm water system;
 - (iii) the block and building outlines; and
 - (iv) the location of any easement;
- (d) shall include a plan that complies with subregulation (4);
- (e) unless the application relates solely to the erection of a new building—shall include the most recent existing building plans, including any amendments made to the plans; and

- (f) where the plumbing or drainage work includes multi-storey installations, shall include isometric schematic plans—
 - (i) of soil and waste stacks; and
 - (ii) of hot and cold water systems.

“(4) A plan required by paragraph (3) (d) shall include the following:

- (a) the sewerage and drainage pipework;
- (b) unless the application relates solely to the erection of a new building—the existing building and the proposed alterations shown on the same plan so as to distinguish between them;
- (c) the existing pipework, the proposed pipework and any pipework to be disconnected shown on the same plan so as to delineate between them;
- (d) shall specify the type of pipe material and the size and gradient of pipes to be used in the proposed plumbing or drainage work;
- (e) linework identified in accordance with Australian Standard 1101;
- (f) a legend identifying the different linework;
- (g) the type of sanitary fixture to be installed at each fixture point;
- (h) a table of sanitary fixtures using the standard numbering shown below and indicating the numbers of each type of fixture:

Number	Sanitary fixture
1.....	WC
2.....	bath
3.....	basin
4.....	shower
5.....	kitchen sink
6.....	laundry tub
7.....	urinal
8.....	cleaner’s sink
9.....	bidet
11.....	dishwasher
12.....	washing machine
13.....	glass washer

“(5) In this regulation—

‘Australian Standard 1100’ means Australian Standard 1100 as in effect on 1 March 1999;

‘Australian Standard 1101’ means Australian Standard 1101. Part 5—1984, entitled ‘Graphical symbols for general engineering—Piping, ducting and mechanical services for buildings’.

“8. Issue of plan approvals

“(1) A certifier shall not approve a plan unless the following approvals have been obtained:

- (a) approval from a network utility operator—
 - (i) where non-domestic waste is to be disposed of—for the disposal of waste to sewer and the manner of disposal;
 - (ii) where an increase in water demand or sewer load is expected—for the increase;
 - (iii) where a point of connection to the sewerage system or the water main is to be changed or removed—for the change or removal;
 - (iv) where a new point of connection to the sewerage system or the water main is required—for the point;
 - (v) where a new fire service is proposed—for the proposal;
 - (vi) where surface water or stormwater is to be discharged to the sewer—for the discharge and the manner of discharge; and
 - (vii) where a water pumping appliance or sewage pumping appliance is to be connected to the water main or the sewerage system—for the connection and the manner of connection;
- (b) where radioactive materials are to be disposed of—approval from the Chief Health Officer for the disposal and the manner of disposal.

“(2) A certifier shall not issue a plan approval unless—

- (a) the application complies with regulation 7;
- (b) the approvals referred to in subregulation (1) have been obtained;
- (c) any other requirements of these Regulations have been satisfied; and

- (d) the proposed plumbing or drainage work complies with Australian Standard 3500.

“(3) A certifier who issues a plan approval shall give a copy of the approval and the relevant plans—

- (a) as soon as practicable to the person who has applied for the approval; and
- (b) within 7 days to the Chief Executive.

“9. **Amendment of approved plans**

“(1) This regulation applies where it is desired to amend an approved plan.

“(2) Where this regulation applies, the owner of premises to which the plan relates may apply, in accordance with this regulation, to a certifier for approval of the amendment to the plan.

“(3) A certifier to whom an application under subregulation (2) has been made—

- (a) shall, if satisfied that the nature or extensiveness of the proposed amendments requires reconsideration of the plumbing or drainage approval, refuse the application; or
- (b) may, if—
 - (i) the requirements of subregulation 8 (2) are satisfied; and
 - (ii) in his or her view, reconsideration of the plumbing or drainage approval is not required;

approve the amendment to the approved plan and amend the approval accordingly.

“(4) A certifier who approves an amendment to an approved plan under paragraph (3) (b) shall keep all documents relating to the amendment for a period of 12 months.

“(5) In this regulation, a reference to a plan approval shall be read as including a reference to an approval that has been amended in accordance with this regulation.

“9A. **Notification of appointment or cessation of appointment of certifier**

Where an application for a plan approval is received by a certifier under subregulation 7 (1) and his or her appointment in relation to the work

ceases to be in effect by virtue of subregulation 5 (3) or (4), he or she shall, within 7 days of the cessation, notify the Chief Executive, in writing.

Penalty: 1 penalty unit.”.

5. Sprinkler fitting

Regulation 10 of the Principal Regulations is amended—

- (a) by omitting all the words from and including “the Engineer” and substituting “has given not less than 2 business days’ notice, in writing, to the Chief Executive of his or her intention to commence the work”; and
- (b) by omitting from the penalty provision “\$500” and substituting “10 penalty units”.

6. House drainage work

Regulation 12 of the Principal Regulations is amended by adding at the end the following penalty provision:

“Penalty: 10 penalty units.”.

7. Water supply plumbers to be licensed

Regulation 13 of the Principal Regulations is amended—

- (a) by omitting “an Authority pipe” (wherever occurring) and substituting “a water main”;
- (b) by omitting “any Authority pipe” and substituting “any water main”; and
- (c) by adding at the end the following penalty provision:
“Penalty: 10 penalty units.”.

8. Employment of unlicensed plumbers

Regulation 14 of the Principal Regulations is amended—

- (a) by omitting from subregulation (1) “A person” and substituting “A licensed plumber or drainer”;
- (b) by omitting the penalty at the foot of subregulation (1) and substituting the following penalty provision:
“Penalty:
 - (a) if the offender is a natural person—10 penalty units;
 - (b) if the offender is a body corporate—50 penalty units.”;

and

- (c) by omitting from subregulation (2) “any person” and substituting “the person engaged or employed to perform the work”.

9. Work to conform with standard

Regulation 14A of the Principal Regulations is amended—

- (a) by inserting after subregulation (1) the following subregulation:

“(1A) A person shall not use materials in a sanitary plumbing system or sanitary drainage system that forms part of or communicates with the sewerage system except in accordance with the requirements of MP52.
Penalty: 10 penalty units.”;
- (b) by inserting in paragraph (2) (a) “or MP52” after “Australian Standard 3500”; and
- (c) by omitting subregulation (3).

10. Interference with drains etc. connected with sewerage system

Regulation 15 of the Principal Regulations is amended—

- (a) by omitting subregulations (1) to (6) (inclusive) and substituting the following subregulations:

“(1) A person shall not alter, remove or interfere with a drain, fitting, pipe bend, trap or other thing connected with the sewerage system unless that person—

 - (a) holds a sanitary plumber’s licence and has given not less than 2 business days’ notice, in writing, to the Chief Executive of his or her intention to commence the work;
 - (b) holds an advanced sanitary drainer’s licence and has given not less than 2 business days’ notice, in writing, to the Chief Executive of his or her intention to commence the work;
 - (c) holds a sanitary plumber’s licence, the work is minor sanitary plumbing work and the person submits a minor works notice within 7 days after completing the work; or
 - (d) holds an advanced sanitary drainer’s licence, the work is minor drainage work and the person submits a minor works notice within 7 days after completing the work.

Penalty: 10 penalty units.

“(2) A notice under subregulation (1) shall be accompanied by the determined fee and, except in the case of a minor works notice—

- (a) in relation to work relating to a single residential building—by a site plan that complies with subregulation 7 (3); or
 - (b) in any other case—by a plan approval under regulation 8.”;
- (b) by omitting from paragraph (7) (a) all the words after “who holds” (second occurring) and substituting “a sanitary plumber’s licence and who has given notice under paragraph (1) (a) or who submits a minor works notice within 7 days after completing the work; and”;
- (c) by omitting from paragraph (7) (b) all the words after “who holds” (second occurring) and substituting “an advanced sanitary drainer’s licence and who has given notice under paragraph (1) (b) or who submits a minor works notice within 7 days after completing the work”;
- (d) by adding at the end of paragraph (8) (a) “that is limited to maintenance of existing work”;
- (e) by omitting from paragraph (9) (a) “laying” and substituting “replacement”; and
- (f) by adding at the end the following subregulation:
- “(10) In this regulation—
- ‘minor works notice’ means a notice that is signed by the person giving it, is in accordance with an approved form and, in relation to minor sanitary plumbing work or minor drainage work, specifies—
- (a) the name and address of the person for whom the work was performed;
 - (b) the address at which the work was performed;
 - (c) the nature of the work;

- (d) the consideration paid for the performance of the work, excluding the cost of sanitary fixtures supplied for the work;
- (e) the date on which the work was completed; and
- (f) the date on which the notice was signed;

and certifying that the work was completed in accordance with these Regulations.”.

11. Repeal

Regulations 15AA and 15AB of the Principal Regulations are repealed.

12. Substitution

Regulations 16 to 23 (inclusive) of the Principal Regulations are repealed and the following regulations substituted:

“16. Connection with the sewerage system

A person who connects with or disconnects from the sewerage system a sanitary plumbing system, a sanitary drainage system or sewer shall ensure that all work is carried out in accordance with these Regulations, Australian Standard 3500 and, except in the case of a single residential building, with the approved plan.

“17. Notice to be given

“(1) A person who carries out plumbing or drainage work shall—

- (a) give not less than 2 business days’ notice, in writing, to the Chief Executive before commencing the work; and
- (b) report to the Chief Executive when the work is ready for inspection.

Penalty: 10 penalty units.

“(2) All work shall be left uncovered and convenient for examination—

- (a) until inspected and approved by the Inspector; or
- (b) until the Inspector has advised the person that an inspection will not take place.

“(3) The person who carries out the work shall keep on the premises, while the work is being carried out—

- (a) a copy of the plan approval showing—

- (i) any minor variations to the approved plan; and
 - (ii) the parts of the work for which a notice was given under subregulation (1); and
- (b) a record of the date of each notice given under subregulation (1).”.

13. Testing

Regulation 24 of the Principal Regulations is amended—

- (a) by omitting from subregulation (3) “The owner of” and substituting “A person who carries out plumbing or drainage work on”;
- (b) by omitting the penalty provision from subregulation (3);
- (c) by omitting subregulation (4) and substituting the following subregulation:

“(4) A person who carries out plumbing or drainage work shall carry out a direction from the Inspector to rectify work that is not in accordance with these Regulations or Australian Standard 3500. Penalty: 5 penalty units.”;
- (d) by omitting from subregulation (6) “the Engineer” and substituting “the Inspector”; and
- (e) by omitting from subregulation (7) “Engineer or an”.

14. Drains etc. not constructed in accordance with Regulations to be removed or repaired

Regulation 25 of the Principal Regulations is amended—

- (a) by omitting from subregulation (1) “the Engineer” (wherever occurring) and substituting “the Chief Executive”;
- (b) by omitting from subregulation (2) “the Proper Authority” and substituting “the Chief Executive”; and
- (c) by adding at the end the following penalty provision:

“Penalty:

 - (a) if the offender is a natural person—10 penalty units;
 - (b) if the offender is a body corporate—50 penalty units.”.

15. Substitution

Regulations 26 and 27 of the Principal Regulations are repealed and the following regulation is substituted:

“27. Notification after completion of work

A person who carries out plumbing or drainage work shall, if satisfied that the work has been completed in accordance with these Regulations and Australian Standard 3500, within 7 days after completion of the work, provide the Chief Executive with—

- (a) a statement on the approved form of the work completed;
- (b) evidence of payment of the determined fees in accordance with subregulations 15 (2) and 24 (8); and
- (c) a copy of—
 - (i) where the work relates to a single residential building—a drainage plan that complies with subregulation 7 (3) on which there is endorsed a certificate that the plan is a true record of the work carried out; or
 - (ii) in any other case—an approved drainage plan on which there is endorsed a certificate that the plan is a true record of the work carried out.”.

16. Drainage of houses to be separate

Regulation 28 of the Principal Regulations is amended—

- (a) by omitting “in cases of properties belonging to the same owner, or where, in the opinion of the Proper Authority” and substituting “where, in the opinion of the Chief Executive”; and
- (b) by adding at the end the following subregulations:
 - “(2) Where—
 - (a) the drainage system of a house or building (in this subregulation referred to as the ‘first house or building’) is combined with the drainage system of a house or building on another parcel of land;
 - (b) the combined drainage system is situated in the other parcel of land;
 - (c) the combined drainage system was installed before 1 March 1999; and
 - (d) significant work has to be carried out on the drainage system of the first house or building;

the person carrying out the work shall—

- (e) disconnect the existing drainage pipes from the combined drainage system;
 - (f) if no separate drainage system is in place in the parcel of land on which the first house or building is situated—install such a system; and
 - (g) connect the first house or building to the drainage system installed in the parcel of land on which it is situated.
- “(3) In this regulation—
‘significant work’ means work where—
- (a) drains to more than half the fixtures are altered; or
 - (b) the number of fixtures is increased by more than 50 %.”.

17. Repeal

Regulations 29 to 44 (inclusive) and 47 to 59 (inclusive) of the Principal Regulations are repealed.

18. Rain and surface waters not to be discharged into sewers etc.

Regulation 61 of the Principal Regulations is amended—

- (a) by omitting from subregulation (1) “A person” and substituting “Subject to subregulation (3), a person”;
- (b) by adding at the end of subregulation (1) the following penalty provision:
“Penalty:
 - (a) if the offender is a natural person—10 penalty units;
 - (b) if the offender is a body corporate—50 penalty units.”;and
- (c) by adding at the end the following subregulation:
“(3) The network utility operator may exempt a person from compliance with subregulation (1), in writing, and subregulation (1) does not apply to a person who has obtained an exemption.”.

19. Injury to sewers

Regulation 62 of the Principal Regulations is amended—

- (a) by omitting from subregulation (2) “(2)”;

- (b) by omitting from paragraph (2) (a) “Authority” (wherever occurring) and substituting “network utility operator”;
- (c) by omitting from paragraph (2) (b) “Engineer” and substituting “network utility operator”;
- (d) by omitting from paragraph (2) (b) “Authority” and substituting “network utility operator”;
- (e) by omitting subparagraph (2) (b) (i);
- (f) by omitting from subparagraph (2) (b) (iii) “Engineer” and substituting “network utility operator”;
- (g) by omitting from subparagraph (2) (b) (iii) “Authority” and substituting “network utility operator”; and
- (h) by adding at the end the following penalty provision:
 - “Penalty:
 - (a) if the offender is a natural person—10 penalty units;
 - (b) if the offender is a body corporate—50 penalty units.”.

20. Repeal

Regulations 63 to 79 (inclusive) of the Principal Regulations are repealed.

21. Water closets and urinals

Regulation 80 of the Principal Regulations is amended—

- (a) by omitting from subregulation (1) “the Engineer” and substituting “the Chief Executive”;
- (b) by omitting from subregulation (1) “the Proper Authority” and substituting “the Chief Executive”;
- (c) by omitting subregulations (2) to (5) (inclusive); and
- (d) by omitting from subregulation (14) “the Proper Authority” (wherever occurring) and substituting “the Chief Executive”.

22. Repeal

Regulations 81 to 90 (inclusive) of the Principal Regulations are repealed.

23. Substitution

Regulations 92 to 96 (inclusive) of the Principal Regulations are repealed and the following regulation is substituted:

“93. Provisions relating to meters

“(1) The owner of the premises on which a meter is installed shall at all times maintain access to the meter.

“(2) The network utility operator may, on receipt of an application, in writing, by the owner of premises on which a meter is installed, grant, in writing, permission for the position of the meter to be altered in a manner specified in the permission.

“(3) A person shall not alter, or cause to be altered, the position of a meter otherwise than in accordance with a permission under subregulation (2).

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.”.

24. Work on water service

Regulation 97 of the Principal Regulations is amended—

- (a) by omitting from subregulation (1) “application to lay a water” and substituting “notice to carry out work on a pipe connected to a property”;
- (b) by omitting from subregulation (1) “such water service” and substituting “such pipe”;
- (c) by omitting subregulations (2) and (3) and substituting the following subregulation:

“(2) A plumber’s notice to carry out work on a pipe connected to a property service less than 50 mm in diameter shall be accompanied by the determined fee.”.

25. Work to conform to a standard

Regulation 97A of the Principal Regulations is amended—

- (a) by inserting in subregulation (1) “or a hot water system” after “system”;
- (b) by omitting from subregulation (1) “an Authority pipe” and substituting “a water main”;
- (c) by omitting from the penalty provision at the foot of subregulation (1) “\$1000” and substituting “10 penalty units”;
- (d) by inserting after subregulation (1) the following subregulation:

“(1A) A person shall not use plumbing or drainage products on a water supply system or a hot water system drawing its water from a water main except in accordance with the requirements of MP52.

Penalty: 10 penalty units.”;

- (e) by inserting in paragraph (2) (a) “or MP52” after “Australian Standard 3500”; and
- (f) by omitting subregulation (3).

26. Repeal

Regulations 98 and 99 of the Principal Regulations are repealed.

27. Backflow prevention device

Regulation 100A of the Principal Regulations is amended—

- (a) by omitting paragraphs (1) (a) and (b) and substituting the following paragraphs:
 - “(a) a certifier shall not, without reasonable excuse, approve a plan for the work unless—
 - (i) the plan includes the installation of an appropriate backflow prevention device for protecting the potable water supply from the hazard; or
 - (ii) the certifier has certified on the plan that, in his or her opinion, the installation is not required; and
 - (b) if a plan is approved, the person to whom the approval is granted shall, in the course of the performance of that work, install such a device.

Penalty for contravention of paragraph (a): 5 penalty units.

Penalty for contravention of paragraph (b):

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.”;

and

- (b) by omitting subregulation (2) and substituting the following subregulations:

“(2) A person who installs a testable backflow prevention device shall—

- (a) register the installation of the device with the Chief Executive;
- (b) ensure that the device is tested by a suitably qualified person in accordance with Australian Standard 2845.3 as in effect on 1 March 1999 as soon as practicable after installation; and
- (c) within 7 days after testing provide the Chief Executive with a test report prepared by the person who carried out the test.

Penalty: 10 penalty units.

“(3) The owner of a parcel of land on which a testable backflow prevention device is installed shall—

- (a) cause the device to be tested by a suitably qualified person in accordance with Australian Standard 2845.3 as in effect on 1 March 1999—
 - (i) where maintenance or repair work has been carried out on the device—within 7 days after the carrying out of the work; or
 - (ii) in any other case—within 12 months after the last carrying out of a test under this regulation on the device; and
- (b) within 7 days after testing provide the Chief Executive with a test report prepared by the person who carried out the test.

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

“(4) In this regulation—

‘appropriate backflow prevention device’ means a backflow prevention device selected in accordance with the requirements of section 4 of Part 1 of Australian Standard 3500, entitled ‘Crossconnection control and backflow prevention’;

‘suitably qualified person’ means a person who—

- (a) is a licensed plumber; and
- (b) has successfully completed the course entitled ‘Backflow Prevention’ offered by the Canberra Institute of Technology or an equivalent course.”.

28. Substitution

Regulations 101 and 102 of the Principal Regulations are repealed and the following regulation is substituted:

“101. Notification after completion of work—water services

“(1) This regulation applies where work is carried out on a water service or a hot water service.

“(2) Where this regulation applies, the person who has carried out the work shall, within 7 days after completing the work give to the Chief Executive a statement of the work completed on an approved form.

“(3) Where this regulation applies and the work has been carried out in relation to a building to which there is connected a property service of not less than 50 mm in diameter, the person who carried out the work shall give to the Chief Executive, within 7 days after the completion of the work, a copy of the approved plan on which there is endorsed a certificate that the plan is a true record of the work carried out.”.

29. Water pumping appliance not to be connected to a water main without permission

Regulation 103 of the Principal Regulations is amended—

- (a) by omitting from subregulation (2) “an Authority pipe” (wherever occurring) and substituting “a water main”;
- (b) by omitting from subregulation (2) “the Proper Authority” and substituting “a network utility operator”; and
- (c) by omitting subregulations (3) and (4).

30. Repeal

Regulations 105 and 107 to 110 (inclusive) of the Principal Regulations are repealed.

31. Unlawful taking of water

Regulation 112 of the Principal Regulations is amended—

- (a) by omitting subregulation (1) and substituting the following subregulation:

“(1) A person shall not, without reasonable excuse, take or use water from—

- (a) a reservoir, aqueduct, cistern or pipe under the control or management of the network utility operator;
- (b) a pipe leading to or from any such reservoir, aqueduct, cistern or pipe; or
- (c) a cistern supplied by the network utility operator with water for the use of a consumer other than the person taking or using the water.

Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.”;

- (b) by omitting the heading to subregulation (2); and
- (c) by omitting from subregulation (2) “under the control of the Authority, or under the management of the Proper Authority” and substituting “under the control or management of the network utility operator”.

32. Repeal

Regulation 113 of the Principal Regulations is repealed.

33. Inspection of private premises

Regulation 114 of the Principal Regulations is amended—

- (a) by omitting from subregulation (1) “Proper Authority, the Engineer, an Inspector or Supervising Officer” and substituting “Chief Executive”;
- (b) by omitting from subregulation (1) all the words after “as may be”;
- (c) by omitting subregulation (2) and substituting the following subregulation:

“(2) A person shall not hinder or obstruct the Chief Executive in the execution of his or her duties under these Regulations.

Penalty:

- (a) if the offender is a natural person—10 penalty units;

- (b) if the offender is a body corporate—50 penalty units.”;
- (d) by inserting in subregulation (3) “or tested” after “been made”;
- (e) by omitting from subregulation (3) “Proper Authority” and substituting “Chief Executive”;
- (f) by omitting from subregulation (3) “to do the necessary works” and substituting the following:
 - “to—
 - (a) do the necessary works or testing; and
 - (b) in the case of testing—provide the Chief Executive with a written report on the test by the person who did the testing within 7 days after the test has been carried out”;
- (g) by omitting from subregulation (4) “Proper Authority” and substituting “Chief Executive”;
- (h) by omitting from subregulation (4) “Authority” and substituting “Chief Executive”;
- (i) by omitting from subregulation (5) “Engineer” (wherever occurring) and substituting “Chief Executive”; and
- (j) by omitting from subregulation (5) “Authority” and substituting “Chief Executive”.

34. Substitution

Regulations 114A to 118 (inclusive) of the Principal Regulations are repealed and the following regulations substituted:

“115. Certificate of compliance with Regulations

“(1) The owner of premises may apply, in writing, to the Chief Executive for a certificate of compliance in respect of plumbing or drainage work.

“(2) An application shall be accompanied by the determined fee.

“(3) The Chief Executive shall issue a certificate of compliance if he or she is satisfied—

- (a) that subregulations (1) and (2) have been complied with; and
- (b) that the plumbing and drainage work complies with these Regulations.

“(4) A person shall not use plumbing or drainage work unless a certificate of compliance has been issued in relation to the work .

Penalty for contravention of subregulation (4):

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.

“116. Review of decisions

“(1) Application may be made to the Administrative Appeals Tribunal for review of a decision of the Chief Executive—

- (a) issuing a notice under subregulation 25 (1) that any sanitary fixture or drainage apparatus must be removed or repaired;
- (b) issuing a notice under subregulation 114 (3) to do work or testing within a time specified; or
- (c) refusing to issue a certificate of compliance under subregulation 115 (3).

“(2) Where a decision referred to in subregulation (1) is made, the Chief Executive shall give notice in writing of the decision to the person affected by the decision.

“(3) A notice under subregulation (2) shall be in accordance with the requirements of the Code of Practice in force under subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.”.

35. Further amendments

The Principal Regulations are amended as set out in the Schedule.

36. Transitional

The Principal Regulations as in force immediately before the commencement of these Regulations continue to apply in relation to plumbing or drainage work that was commenced before that commencement and is completed on or before 28 February 2001.

37. Renumbering

(1) The amended Regulations are amended as provided by this regulation.

(2) The regulations of the amended Regulations are renumbered in a single series so that they bear consecutive Arabic numerals commencing with the number 1.

(3) A reference in a provision of another law of the Territory made before the commencement of this regulation (whether or not that provision has commenced), or in any instrument or document, to a regulation of the

amended Regulations that has been renumbered by subregulation (2) shall (except as regards the operation of the regulation before it was so renumbered) be construed as a reference to that regulation as so renumbered.

(4) In this regulation—

“amended Regulations” means the Principal Regulations as amended by these Regulations.

SCHEDULE

Regulation 35

FURTHER AMENDMENTS

Subregulation 4 (1) (definition of “approved”)—

Omit “Proper Authority or the Engineer”, substitute “Chief Executive”.

Subregulation 4 (1) (definition of “the Inspector”)—

Omit all the words after “means”, substitute “a person appointed by the Chief Executive to inspect, pass or approve of work to which these Regulations apply”.

Subregulation 11 (1) (penalty provision)—

Omit “\$300”, substitute “10 penalty units”.

Regulation 15A—

Omit “, 15 and 47”, substitute “and 15”.

Paragraph 15A (c)—

Omit “Proper Authority”, substitute “Chief Executive”.

Paragraph 100 (1) (a)—

Omit the paragraph, substitute the following paragraph:

- “(a) alters, repairs, or replaces a pipe or fitting in communication with a water main, without first—
- (i) giving 2 business days’ notice, in writing, of his or her intention to commence the work to the Chief Executive; and
 - (ii) where approval is required for a plan under regulation 97—obtaining that approval;”.

Paragraph 100 (1) (b)—

- (a) Omit “Engineer, an Inspector or Supervising Officer”, substitute “Chief Executive”.
- (b) Omit “an Authority pipe”, substitute “a water main”.

Paragraph 100 (1) (c)—

Omit “an Authority pipe”, substitute “a water main”.

Subregulation 100 (1)—

SCHEDULE—continued

Omit the penalty provision, substitute the following penalty provision:

“Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.”.

Subregulation 100 (4)—

Omit “an Authority pipe”, substitute “a water main”.

Subregulation 100 (5)—

Omit the subregulation.

Subregulation 100 (6)—

Omit the subregulation, substitute the following subregulation:

“(6) All work shall be left uncovered and convenient for examination—

- (a) until inspected and approved by the Inspector; or
- (b) until the Inspector has advised the person that an inspection will not take place.”.

Paragraphs 100 (7) (a) and (b)—

Omit “Engineer or the Inspector”, substitute “Chief Executive”.

Subregulation 104 (2)—

Omit all the words after “to the boiler”, substitute “from a break tank”.

Subregulation 104 (3)—

Omit the penalty provision, substitute the following penalty provision:

“Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.”.

Subregulations 106 (1)—

- (a) Omit “Proper Authority”, substitute “network utility operator”.
- (b) Omit the penalty provision, substitute the following penalty provision:

SCHEDULE—continued

“Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—25 penalty units.”.

Subregulations 106 (2)—

- (a) Omit “Proper Authority”, substitute “network utility operator”.
- (b) Omit the penalty provision, substitute the following penalty provision:

“Penalty:

- (a) if the offender is a natural person—10 penalty units;
- (b) if the offender is a body corporate—50 penalty units.”.

Regulation 111—

Omit “under the control or the Authority or under the management of the Proper Authority”, substitute “under the control or management of the network utility operator”.

Regulation 111 (penalty provision)—

Omit “\$500”, substitute “5 penalty units”.

NOTES

Principal Regulations

1. Reprinted as at 31 January 1998.

Notification

2. Notified in the ACT Gazette on 14 April 1999.

Penalty units

See section 33AA of the *Interpretation Act 1967* and section 9 of the *Subordinate Laws Act 1989*.