



Australian Capital Territory

# **Water and Sewerage Regulation 2001**

**SL2001-2**

made under the

**Water and Sewerage Act 2000**

**Republication No 6**

**Effective: 2 November 2004 – 31 December 2004**

Republication date: 2 November 2004

Last amendment made by A2004-67  
(republication includes editorial amendments  
under Legislation Act)

Not all amendments are in force: see last endnote

## About this republication

### The republished law

This is a republication of the *Water and Sewerage Regulation 2001*, made under the *Water and Sewerage Act 2000* (including any amendment made under the *Legislation Act 2001*, part 11.3 (Editorial changes)) as in force on 2 November 2004. It also includes any amendment, repeal or expiry affecting the republished law to 2 November 2004.

The legislation history and amendment history of the republished law are set out in endnotes 3 and 4.

### Kinds of republications

The Parliamentary Counsel's Office prepares 2 kinds of republications of ACT laws (see the ACT legislation register at [www.legislation.act.gov.au](http://www.legislation.act.gov.au)):

- authorised republications to which the *Legislation Act 2001* applies
- unauthorised republications.

The status of this republication appears on the bottom of each page.

### Editorial changes

The *Legislation Act 2001*, part 11.3 authorises the Parliamentary Counsel to make editorial amendments and other changes of a formal nature when preparing a law for republication. Editorial changes do not change the effect of the law, but have effect as if they had been made by an Act commencing on the republication date (see *Legislation Act 2001*, s 115 and s 117). The changes are made if the Parliamentary Counsel considers they are desirable to bring the law into line, or more closely into line, with current legislative drafting practice.

This republication includes amendments made under part 11.3 (see endnote 1).

### Uncommenced provisions and amendments

If a provision of the republished law has not commenced or is affected by an uncommenced amendment, the symbol **U** appears immediately before the provision heading. The text of the uncommenced provision or amendment appears only in the last endnote.

### Modifications

If a provision of the republished law is affected by a current modification, the symbol **M** appears immediately before the provision heading. The text of the modifying provision appears in the endnotes. For the legal status of modifications, see *Legislation Act 2001*, section 95.

### Penalties

The value of a penalty unit for an offence against this republished law at the republication date is—

- (a) if the person charged is an individual—\$100; or
- (b) if the person charged is a corporation—\$500.



Australian Capital Territory

# Water and Sewerage Regulation 2001

made under the

**Water and Sewerage Act 2000**

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R6  
02/11/04

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Australian Capital Territory

# Water and Sewerage Regulation 2001

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made under the

**Water and Sewerage Act 2000**

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## Part 1 Preliminary

### 1 Name of regulation

This regulation is the *Water and Sewerage Regulation 2001*.

### 3 Dictionary

The dictionary at the end of this regulation is part of this regulation.

*Note 1* The dictionary at the end of this regulation defines certain terms used in this regulation.

*Note 2* A definition in the dictionary applies to the entire regulation unless the definition, or another provision of the regulation, provides otherwise or the contrary intention otherwise appears (see Legislation Act, s 155 and s 156 (1)).

### 4 Notes

A note included in this regulation is explanatory and is not part of this regulation.

*Note* See the Legislation Act, s 127 (1), (4) and (5) for the legal status of notes.

### 5 Construction of standards consistent with regulation

- (1) The standards mentioned in this regulation are to be applied in a way that is consistent with this regulation, unless the contrary appears from this regulation.
- (2) A standard is to be taken to be consistent with this regulation to the extent that it is capable of operating concurrently with this regulation.

### U 5A Offences against regulation—application of Criminal Code etc

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## Part 2                      Sanitary plumbing and sanitary drainage

### 6                      Work to conform to standard

- (1) A person must not do work on a sanitary plumbing system or sanitary drainage system that communicates with the sewerage system unless the work is done in accordance with the requirements of Australian Standard 3500.

Maximum penalty: 10 penalty units.

- (2) A person must not install plumbing and drainage products in a sanitary plumbing system or sanitary drainage system that communicates with the sewerage system unless the work is done in accordance with the requirements of MP52.

Maximum penalty: 10 penalty units.

- (3) Subsections (1) and (2) do not apply if—
- (a) the requirements of Australian Standard 3500 or MP52 are inconsistent with standards mentioned in this regulation; and
  - (b) the work was done in accordance with this regulation.

### 7                      Work to conform to approved plan

- (1) A person must not do work on a sanitary plumbing system or a sanitary drainage system unless the work is done in accordance with the plan approved by the certifier under the Act, section 8 (Issue of plan approvals).

Maximum penalty: 10 penalty units.

- (2) Subsection (1) does not apply to work on a sanitary plumbing system or a sanitary drainage system for a single residential building.

**7A Notice of plan approval—Act, s 8 (5)**

The notice must contain the following information:

- (a) the address of the land from which the raw or treated sewage, or by-product, is to be discharged;
- (b) the kind of discharge and how much is expected to be discharged;
- (c) the number and kind of sanitary fixtures that are likely to contribute to the discharge;
- (d) a description of any treatment or storage of the discharge before its discharge;
- (e) details of where and how the sewage will discharge, including details of any irrigation system, water reuse system, septic tanking system, absorption system, discharge into drainage systems or other discharge system.

**7B No reconsideration for plan amendment—Act, s 9 (3)**

- (1) A proposed amendment to a plan does not require reconsideration of the plan approval if the only amendment to the plan is to the length and alignment of pipework only.
- (2) However, subsection (1) does not apply if the amendment would—
  - (a) change the point of connection of the pipework to an outlet, fixture or appliance; or
  - (b) change the point of connection of the pipework to a sewage network or its primary water supply; or
  - (c) increase the branching of the pipework; or
  - (d) add a run of pipework not shown in the plan.

**8 Notice to be given about work done**

- (1) A person who does sanitary plumbing or sanitary drainage work must tell the construction occupations registrar when the work is ready for inspection.

Maximum penalty: 10 penalty units.

- (2) A person who does sanitary plumbing or sanitary drainage work must leave the work uncovered and convenient for inspection until whichever of the following happens first:

- (a) the work is inspected and approved by an inspector;
- (b) an inspector advises the person that an inspection is not required;
- (c) if the work is sanitary plumbing work—the end of 2 working days after the construction occupations registrar was told that the work was ready for inspection.

Maximum penalty: 5 penalty units.

- (3) However, subsection (2) does not apply to the covering of uninspected sanitary drainage work if—

- (a) the licensee responsible for the sanitary drainage work is satisfied on reasonable grounds that part of the work is being, or is about to be, significantly damaged by flooding caused by a storm; and
- (b) the part of the work is temporarily covered by the minimum amount of soil necessary to avoid the damage; and
- (c) if, during an inspection, the inspector requires any part of the temporary covering to be removed to assist inspection—the licensee—
  - (i) removes the covering to the inspector's satisfaction; or
  - (ii) arranges for another inspection to take place after the covering is removed.

- (4) A person who does sanitary plumbing or sanitary drainage work must, while the work is being done, keep on the premises a copy of the plan approval showing any minor variations to the approved plan.

Maximum penalty: 10 penalty units.

## **9 Testing of sanitary plumbing and drains**

- (1) Sanitary plumbing and drains must be tested in accordance with Australian Standard 3500—
- (a) before it is passed by an inspector; and
  - (b) if a drain is altered or repaired—before the alterations or repairs are passed by an inspector.
- (2) If a person does sanitary plumbing or sanitary drainage work that is to be tested, the person must supply apparatus, tools, and labour for the test, whether or not all or any part of the test is to be done by an inspector.

Maximum penalty: 5 penalty units.

- (3) A person who did sanitary plumbing or sanitary drainage work that is being tested must rectify any of the work that the test finds defective.

Maximum penalty: 10 penalty units.

- (4) Sanitary plumbing or sanitary drainage work is to be taken not to be in accordance with Australian Standard 3500 if the person who did the work does not supply apparatus, tools, and labour sufficient to allow the work to be tested under this section.

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

- (1) This section applies if—
- (a) sanitary plumbing or sanitary drainage work has been inspected and approved; or

- (b) an inspector has advised the person who did the work that an inspection is not required.
- (2) A person who does sanitary plumbing or sanitary drainage work must, if satisfied that the work has been completed in accordance with this regulation and Australian Standard 3500, within 7 days after completion of the work, give the construction occupations registrar —
  - (a) a statement of the work completed; and
  - (b) evidence of payment of inspection fees under this regulation; and
  - (c) a copy of—
    - (i) if the work relates to a single residential building—a drainage plan 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.

*Note* A certificate of compliance for plumbing or sanitary drainage work cannot be issued under s 25 unless the construction occupations registrar is satisfied that the work complies with this regulation. The registrar may only be able to be so satisfied if the statement, evidence and plan about the work has been given.

## **12 Separate drainage systems**

- (1) The drainage of each dwelling or building must be separate from another dwelling or building.
- (2) Despite subsection (1), the construction occupations registrar may approve a combined drainage system, if satisfied that special reasons exist for doing so.

**13 Disconnecting combined drainage systems**

- (1) This section applies if—
  - (a) the drainage system of a dwelling or building (the *first dwelling or building*) is combined with the drainage system of a dwelling or building on another parcel of land; and
  - (b) the combined drainage system is in the other parcel of land; and
  - (c) the combined drainage system was installed before 1 March 1999; and
  - (d) significant work has to be done on the drainage system of the first dwelling or building.
- (2) A person doing significant work must—
  - (a) disconnect the existing drainage pipes from the combined drainage system; and
  - (b) if no separate drainage system is in place for the dwelling or building—install a separate system; and
  - (c) connect the first dwelling or building to that drainage system.
- (3) In this section:  
*significant work* means work where—
  - (a) drains to more than  $\frac{1}{2}$  the fixtures are altered; or
  - (b) the number of fixtures is increased by more than  $\frac{1}{2}$ .

**14 Cover to interceptor traps and accessholes**

An interceptor trap and accesshole must—

- (a) be carried to ground level; and
- (b) be fitted at that level with approved cast-iron airtight covers.

**15 Rain and surface waters not to be discharged into sewers etc**

- (1) A person must not discharge, or allow to be discharged, any rainwater, surface water or stormwater into—
- (a) a sewerage network; or
  - (b) a drain communicating with a sewerage network; or
  - (c) a sanitary fixture or drainage apparatus used in connection with a drain mentioned in paragraph (b).

Maximum penalty: 10 penalty units.

- (2) An inlet to a drain must be built and maintained in a way and at a level that prevents the flow of rainwater, surface water or stormwater into the drain.
- (3) A person may apply in writing to the responsible utility for an exemption from subsection (1).
- (4) The responsible utility may exempt a person from compliance with subsection (1) only if satisfied that the pollution and the volume of water that would enter the network, drain, fixture or apparatus would not detrimentally affect the sewerage system.
- (5) Subsection (1) does not apply to a person who is exempt under this section.
- (6) For this section, if rainwater, surface water or stormwater is part of a water service or hotwater system, the water is taken to not be rainwater, surface water or stormwater.

**16 Requirements for toilets—Act, s 17 (1) (b)**

- (1) The following requirements are prescribed:
- (a) if a closet pan and cistern are to be installed—the pan must be a reduced-flush closet pan and the cistern a dual-flush 6/3L cistern;

- (b) if a closet pan only is to be installed—the pan must be a reduced-flush closet pan;
- (c) if a cistern is to be installed that is connected to an existing full-flush closet pan—the cistern must be a separate dual-flush cistern that—
  - (i) is of at least 11L capacity; and
  - (ii) gives an effective full-flush not larger than 10L, and for test purposes, 9L; and
  - (iii) gives an effective half-flush not larger than 5.5L, and for test purposes, 4.5L;
- (d) if a cistern is to be installed that is connected to an existing reduced-flush closet pan—the cistern must be a dual-flush 6/3L cistern;
- (e) if a closet pan is to be flushed with water drawn from a central storage cistern installed before 1 January 1994 and—
  - (i) the pan is a full-flush closet pan—the pan must be flushed with an effective full-flush not exceeding 10L and for test purposes, 9L; or
  - (ii) the pan is a reduced-flush closet pan—the pan must be flushed with an effective full-flush not exceeding 10L and for test purposes, either 6L or 9L;
- (f) the pan may be flushed with a half-flush of at least 4.5L and not exceeding 5.5L if a full-flush closet pan is to be flushed—
  - (i) with water drawn from a central storage cistern; and
  - (ii) by control fittings that allow the user to decide whether to give a full-flush or half-flush;
- (g) the pan may be flushed with a half-flush of at least 3L and not exceeding 4L if a reduced-flush closet pan is to be flushed—
  - (i) with water drawn from a central storage cistern; and

- (ii) by control fittings that allow the user to decide whether to give a full-flush or half-flush;
- (h) if a central storage cistern installation is to be installed—
  - (i) reduced-flush closet pans must be installed; and
  - (ii) control fittings must be installed that automatically control the amount of water used in a way that each flush uses—
    - (A) on a full-flush—at least 6L and not exceeding 7L; or
    - (B) on a half-flush—at least 3L and not exceeding 4L.

(2) In this section:

***dual-flush 6/3L cistern*** means a cistern that is at least 8L capacity—

- (a) giving an effective full-flush not exceeding 7L and for test purposes 6L; and
- (b) giving an effective half-flush not exceeding 4L and for test purposes 3L.

***full-flush closet pan*** means a closet pan that is a full-flush pan under AS 1172, as in force from time to time.

***reduced-flush closet pan*** means a closet pan that is a reduced-flush pan under AS 1172, as in force from time to time.

- U 16A Building in separated sanitary drainage for grey water**
- U 16B Preservation of separated sanitary drainage for grey water**
- U 16C Overflow from grey water disposal system**
- U 16D Retrofitting backflow prevention devices**

## Part 3 Water supply

### 16E Water efficiency requirements—water supply and sanitary plumbing work—Act, s 17A (1) (b)

- (1) The following requirements are prescribed:
  - (a) for domestic water supply plumbing work involving the installation of, or work on, a shower—the shower head must have a maximum flow capacity of not more than 9 litres per minute;
  - (b) for domestic water supply plumbing work involving the installation of, or work on, a tap for a kitchen or laundry sink or any other basin inside a building—the outlet of the tap must have a maximum flow capacity of not more than 9 litres per minute;
  - (c) for domestic sanitary plumbing work involving the installation of, or work on, a sink—a garbage disposal unit must not be connected to the sink or an outlet from the sink.
- (2) The maximum flow capacity mentioned in subsection (1) must be worked out using AS/NZS 6400 as in force from time to time.
- (3) Subsection (1) (b) does not apply to domestic water supply plumbing work involving the installation of, or work on, a tap for a kitchen or laundry sink or any other basin inside a building if—
  - (a) the tap is in part of the building used, or for use, mainly for business; or
  - (b) the usual pressure of water that is, or is to be, supplied to the building is less than 50kPa.

#### **Example**

a home on a farm supplied with bore water at a pressure less than 50kPa

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

- (4) In this section:

***domestic***—water supply plumbing work or sanitary plumbing work is ***domestic*** if it is work in relation to premises used, or for use, for residential purposes.

- (5) Subsection (1) (b) does not apply to domestic water supply plumbing work carried out before 1 July 2005 if—

- (a) the tap is fitted with another device (a ***secondary device***) that reduces the flow capacity of the tap for a kitchen or laundry sink or any other basin; or
- (b) a compatible secondary device for the tap is not reasonably available in the ACT.

**Example of secondary device**

a valve in addition to the valve forming part of the tap

- (6) For this section, a secondary device is not ***compatible*** if use of the device with a tap would void the tap manufacturer's warranty.
- (7) Subsection (6) does not limit when a secondary device is not compatible.
- (8) Subsections (5), (6), (7) and this subsection expire on 1 July 2005.
- (9) The Legislation Act, section 47 (6) does not apply to an instrument mentioned in subsection (2).

*Note* The text of an applied, adopted or incorporated instrument, whether applied as in force at a particular time or from time to time, is taken to be a notifiable instrument if the operation of the Legislation Act, s 47 (5) or (6) is not disapplied (see s 47 (7)).

**17 Notice about work on water service**

A notice under the Act, section 15 (Notice of water supply plumbing work by licensee) about intending to do work on a pipe connected to a property service of not less than 50mm diameter must be accompanied by a scale plan—

- (a) stating the address of the premises where the work is to be done; and
- (b) showing the position on the premises where it is intended to lay the pipes and fix meters, plugs, stop taps, and other fittings to the pipes.

**18 Work to conform to standard**

- (1) A person must not do work on a water service or hot water system taking its water from a water network unless the work is done—
  - (a) in accordance with Australian Standard 3500; and
  - (b) if the work was done on a pipe connected to a property service of not less than 50mm diameter—in accordance with the plan approved by the certifier under the Act, section 8 (Issue of plan approvals).

Maximum penalty: 10 penalty units.

- (2) Subsection (1) does not apply if—
  - (a) the requirements of Australian Standard 3500 or MP52 are inconsistent with standards mentioned in this regulation; and
  - (b) the work was done in accordance with this regulation.

**19 Inspection of work etc**

- (1) A person who does work on a water service or hot water system must tell the construction occupations registrar when the work is ready for inspection.

Maximum penalty: 10 penalty units.

- (2) A person who does work on a water service or hot water system must leave the work uncovered and convenient for inspection until whichever of the following happens first:

- (a) the work is inspected and approved by an inspector;
- (b) an inspector advises the person that an inspection is not required;
- (c) the end of 2 working days after the construction occupations registrar was told that the work was ready for inspection.

Maximum penalty: 5 penalty units.

**20 Testing of water plumbing**

- (1) Water plumbing must be tested in accordance with Australian Standard 3500—

- (a) before it is passed by an inspector; and
- (b) if plumbing is altered or repaired—before the alterations or repairs are passed by an inspector.

- (2) A person who does plumbing work that is to be tested, must supply the apparatus, tools and labour for the test, whether or not all or any part of the test is to be done by an inspector.

Maximum penalty: 5 penalty units.

- (3) A person who did plumbing work that is being tested must rectify any of the work that the test finds defective.

Maximum penalty: 10 penalty units.

- (4) Plumbing work is to be taken not to be in accordance with Australian Standard 3500 if the person who did the work does not supply apparatus, tools and labour sufficient to allow the work to be tested under this section.

## **21 Notification after completion of work—water services**

A person who does work on a water service or hot water system must, if satisfied that the work has been completed in accordance with this regulation and Australian Standard 3500, within 7 days after completion of the work, give the construction occupations registrar —

- (a) a statement of the work completed; and
- (b) evidence of payment of inspection fees under this regulation; and
- (c) if the work is done on a pipe connected to a property service of not less than 50mm diameter—a copy of a water plumbing plan on which there is endorsed a certificate that the plan is a true record of the work carried out.

*Note* A certificate of compliance for water plumbing work cannot be issued under s 25 unless the construction occupations registrar is satisfied that the work complies with this regulation. The registrar may only be able to be so satisfied if the statement, evidence and plan about the work has been given.

## **22 Backflow prevention device**

- (1) This section applies if a certifier has reasonable grounds for believing that, by doing work of the kind mentioned in section 19 (Inspection of work etc), non-potable liquids, solids or gases may get into the potable water supply of the Territory.

- (2) A certifier must not, without reasonable excuse, approve a plan for the work unless—
- (a) the plan includes the installation of an appropriate backflow prevention device for protecting the potable water supply from non-potable liquids, solids or gases; or
  - (b) the certifier has certified on the plan that, in the certifier's opinion, the installation is not required.

Maximum penalty: 5 penalty units.

- (3) A person must not install a backflow prevention device except in accordance with Australian Standard 3500.

Maximum penalty: 10 penalty units.

- (4) A person who installs a testable backflow prevention device must—
- (a) tell the construction occupations registrar that the device has been installed; and
  - (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 the device is tested, give the registrar a test report prepared by the person who did the test.

Maximum penalty: 10 penalty units.

- (5) The owner of a parcel of land on which a testable backflow prevention device is installed must—
- (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; and

- (b) within 7 days after the device is tested, give the construction occupations registrar a test report prepared by the person who did the test.

Maximum penalty: 10 penalty units.

- (6) For subsection (5)—
  - (a) if maintenance or repair work has been done on a testable backflow prevention device—it must be tested within 7 days after the work was done; or
  - (b) in any other case—it must be tested within 12 months after the last test was done on the device under this section.
- (7) In this section:

***appropriate backflow prevention device*** means a backflow prevention device that complies with AS/NZS 2845, as in force from time to time.

***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 accredited or equivalent course on backflow prevention.

## **23 Water pumping appliance not to be connected without permission**

- (1) A person must not connect a water pumping appliance to a pipe that is connected indirectly to the water network without the permission of the responsible utility.

Maximum penalty: 10 penalty units.

- (2) In this section:

***cooling appliance*** means an apparatus or appliance that uses water in the process of cooling premises.

*water pumping appliance* includes an automatic syphon, a hand syphon, cooling appliance, water circulation apparatus and water power pumping appliance.

## **24 Connecting pipe with steam-boilers**

- (1) A person must not connect a service pipe directly to a steam-boiler for feeding the boiler with water.

Maximum penalty: 10 penalty units.

- (2) A person who makes a connection for feeding a steam-boiler with water must make the connection to the boiler from a break tank.

Maximum penalty: 10 penalty units.

### **U 24A Building in separated rainwater supply service**

### **U 24B Installing rainwater supply service**

## **Part 4                      Miscellaneous**

### **25                      Certificate of compliance**

- (1) The owner of premises may apply, in writing, to the construction occupations registrar for a certificate of compliance for plumbing or sanitary drainage work.
- (2) The construction occupations registrar must issue a certificate of compliance if satisfied that the plumbing or sanitary drainage work complies with this regulation.
- (3) A person must not use plumbing or sanitary drainage work unless a certificate of compliance has been issued for the work .

Maximum penalty (subsection (3)): 10 penalty units.

### **26                      Notice of decisions**

- (1) This section applies to—
  - (a) a decision of the responsible utility under section 15 (4), to refuse to give an exemption; and
  - (b) a decision of the construction occupations registrar under section 25, to refuse to issue a certificate of compliance.
- (2) The construction occupations registrar or responsible utility must give written notice of a decision to which this section applies to the person affected by the decision.
- (3) The notice must be in accordance with the requirements of the code of practice in force under the *Administrative Appeals Tribunal Act 1989*, section 25B (1).

### **27                      Review of decisions**

Application may be made to the administrative appeals tribunal for review of a decision of the construction occupations registrar or responsible utility mentioned in section 26.

## **U** Dictionary

(see s 3)

*Note 1* The Legislation Act contains definitions and other provisions relevant to this regulation.

*Note 2* For example, the Legislation Act, dict, pt 1, defines the following terms:

- Australian standard
- chief executive
- the Territory.

***Australian Standard 1172*** means Australian Standard 1172, as in force from time to time.

***Australian Standard 2845.3*** means Australian Standard 2845.3, as in force from time to time.

## Endnotes

1 About the endnotes

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## Endnotes

### 1 About the endnotes

Amending and modifying laws are annotated in the legislation history and the amendment history. Current modifications are not included in the republished law but are set out in the endnotes.

Not all editorial amendments made under the *Legislation Act 2001*, part 11.3 are annotated in the amendment history. Full details of any amendments can be obtained from the Parliamentary Counsel's Office.

Uncommenced amending laws and expiries are listed in the legislation history and the amendment history. These details are underlined. Uncommenced provisions and amendments are not included in the republished law but are set out in the last endnote.

If all the provisions of the law have been renumbered, a table of renumbered provisions gives details of previous and current numbering.

The endnotes also include a table of earlier republications.

### 2 Abbreviation key

am = amended	ord = ordinance
amdt = amendment	orig = original
ch = chapter	par = paragraph/subparagraph
def = definition	pres = present
dict = dictionary	prev = previous
disallowed = disallowed by the Legislative Assembly	(prev...) = previously
div = division	pt = part
exp = expires/expired	r = rule/subrule
Gaz = gazette	renum = renumbered
hdg = heading	reloc = relocated
IA = Interpretation Act 1967	R[X] = Republication No
ins = inserted/added	RI = reissue
LA = Legislation Act 2001	s = section/subsection
LR = legislation register	sch = schedule
LRA = Legislation (Republication) Act 1996	sdiv = subdivision
mod = modified/modification	sub = substituted
o = order	SL = Subordinate Law
om = omitted/repealed	<u>underlining</u> = whole or part not commenced or to be expired

### 3 Legislation history

This regulation was originally the *Water and Sewerage Regulations 2001*. It was renamed under the *Legislation Act 2001*.

#### **Water and Sewerage Regulation 2001 SL 2001 No 2**

notified 25 January 2001 (Gaz 2001 No 4)  
s 1, s 2 commenced 25 January 2001 (IA s 10B)  
remainder commenced 25 January 2001 (s 2 and Gaz 2001 No 4) (but see IA s 10C (2))

as amended by

#### **Legislation (Consequential Amendments) Act 2001 No 44 pt 414**

notified 26 July 2001 (Gaz 2001 No 30)  
s 1, s 2 commenced 26 July 2001 (IA s 10B)  
pt 414 commenced 12 September 2001 (s 2 and see Gaz 2001 No S65)

#### **Statute Law Amendment Act 2002 No 30 pt 3.92**

notified LR 16 September 2002  
s 1, s 2 taken to have commenced 19 May 1997 (LA s 75 (2))  
pt 3.92 commenced 17 September 2002 (s 2 (1))

#### **Construction Occupations Legislation Amendment Act 2004 A2004-13 sch 1 pt 1.4, sch 2 pt 2.28**

notified LR 26 March 2004  
s 1, s 2 commenced 26 March 2004 (LA s 75 (1))  
sch 1 pt 1.4, sch 2 pt 2.28 commenced 1 September 2004 (s 2 and see Construction Occupations (Licensing) Act 2004 A2004-12, s 2 and CN2004-8)

#### **Water and Sewerage Amendment Regulations 2004 (No 1) SL2004-45**

notified LR 8 September 2004  
s 1, s 2 commenced 8 September 2004 (LA s 75 (1))  
remainder commences 1 January 2005 (s 2)

#### **Water and Sewerage Amendment Act 2004 A2004-67 pt 3**

notified LR 9 September 2004  
s 1, s 2 commenced 9 September 2004 (LA s 75 (1))  
pt 3 commenced 10 September 2004 (s 2)

## Endnotes

4 Amendment history

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### 4 Amendment history

#### **Name of regulation**

s 1 am R6 LA

#### **Commencement**

s 2 om Act 2001 No 44 amdt 1.4284

#### **Notes**

s 4 am Act 2001 No 44 amdt 1.4285

#### **Offences against regulation—application of Criminal Code etc**

s 5A ins SL2004-45 s 4

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

s 6 am A2004-13 amdt 2.122

#### **Notice of plan approval—Act, s 8 (5)**

s 7A ins A2004-13 amdt 2.123

#### **No reconsideration for plan amendment—Act, s 9 (3)**

s 7B ins A2004-13 amdt 1.9

#### **Notice to be given about work done**

s 8 am A2004-13 amdt 1.10, amdt 2.131; ss renum R4 LA (see A2004-13 amdt 1.11)

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

s 10 am A2004-13 amdt 2.131, amdt 2.132

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

s 11 om A2004-13 amdt 2.124

#### **Separate drainage systems**

s 12 am A2004-13 amdt 2.131

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

s 15 am A2004-13 amdt 1.12

#### **Requirements for toilets—Act, s 17 (1) (b)**

s 16 sub A2004-13 amdt 2.125

#### **Building in separated sanitary drainage for grey water**

s 16A s 16A ins A2004-67 s 6 renum as s 16E  
ins SL2004-45 s 5

#### **Preservation of separated sanitary drainage for grey water**

s 16B ins SL2004-45 s 5

#### **Overflow from grey water disposal system**

s 16C ins SL2004-45 s 5

#### **Retrofitting backflow prevention devices**

s 16D ins SL2004-45 s 5

**Water efficiency requirements—water supply and sanitary plumbing work—Act, s 17A (1) (b)**

s 16E (prev s 16A) ins A2004-67 s 6  
 renum as s 16E R5 LA  
s (5)-(8) exp 1 July 2005 (s 16AE (8))

**Work to conform to standard**

s 18 am A2004-13 amdt 2.126, amdt 2.127

**Inspection of work etc**

s 19 am A2004-13 amdt 2.131

**Notification after completion of work—water services**

s 21 am A2004-13 amdt 2.131, amdt 2.132

**Backflow prevention device**

s 22 am A2004-13 amdt 2.128, amdt 2.129, amdt 2.131,  
 amdt 2.132; ss renum R4 LA (see A2004-13 amdt 2.130)

**Building in separated rainwater supply service**

s 24A ins SL2004-45 s 6

**Installing rainwater supply service**

s 24B ins SL2004-45 s 6

**Certificate of compliance**

s 25 am A2004-13 amdt 2.131

**Notice of decisions**

s 26 am A2004-13 amdt 2.131

**Review of decisions**

s 27 am A2004-13 amdt 2.131

**Dictionary**

dict am Act 2002 No 30 amdt 3.992; SL2004-45 s 7  
 def **Australian Standard 3500** ins SL2004-45 s 8  
 def **cistern tap point** ins SL2004-45 s 8  
 def **grey water disposal system** ins SL2004-45 s 8  
 def **grey water point** ins SL2004-45 s 8  
 def **rainwater point** ins SL2004-45 s 8  
 def **separated grey water waste fixture** ins SL2004-45 s 8  
 def **the Act** om Act 2001 No 44 amdt 1.4286  
 def **washing machine tap point** ins SL2004-45 s 8

## Endnotes

5 Earlier republishings

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### 5 Earlier republishings

Some earlier republishings were not numbered. The number in column 1 refers to the publication order.

Since 12 September 2001 every authorised republication has been published in electronic pdf format on the ACT legislation register. A selection of authorised republishings have also been published in printed format. These republishings are marked with an asterisk (\*) in column 1. Except for the footer, electronic and printed versions of an authorised republication are identical.

Republication No	Amendments to	Republication date
1	not amended	15 June 2001
2	Act 2001 No 44	12 September 2001
3	A2002-30	3 October 2002
4	A2004-13	1 September 2004
5	A2004-67	10 September 2004

**6 Uncommenced amendments**

The following amendments have not been included in this republication because they were uncommenced at the republication date:

**Water and Sewerage Amendment Regulations 2004 (No 1)  
SL2004-45**
**4 New section 5A**

*in part 1, insert*

**5A Offences against regulation—application of Criminal Code etc**

Other legislation applies to an offence against this regulation.

*Note 1 Criminal Code*

The Criminal Code, ch 2 applies to the following offences against this regulation (see Code, pt 2.1):

- s 16A-s 16D
- s 24A
- s 24B

The chapter sets out the general principles of criminal responsibility (including burdens of proof and general defences), and defines terms used for offences to which the Code applies (eg **conduct**, **intention**, **recklessness** and **strict liability**).

*Note 2 Penalty units*

The Legislation Act, s 133 deals with the meaning of offence penalties that are expressed in penalty units.

**5 New sections 16A to 16D**

*in part 2, insert*

**16A Building in separated sanitary drainage for grey water**

- (1) This section applies to sanitary drainage work or sanitary plumbing work—
- (a) done in relation to the erection, or extension of the floor area, of a single residential building (other than a building or part of a building that is a garage) (the ***building***); and
  - (b) for a sanitary drain or sanitary plumbing (***applicable sanitary drainage or plumbing***) from a separated grey water waste fixture that is located on—
    - (i) a ground floor of the building; or
    - (ii) a floor of the building that does not have a lower floor directly below the waste fixture; and
  - (c) that is not, or is not to be, supplied with pumped sewage.
- (2) A licensee commits an offence if—
- (a) the licensee installs applicable sanitary drainage or plumbing to which this section applies; and
  - (b) the applicable sanitary drainage or plumbing does not drain to a grey water point.
- Maximum penalty: 10 penalty units.
- (3) A licensee commits an offence if—
- (a) the licensee installs applicable sanitary drainage or plumbing to which this section applies that drains to a grey water point; and

- (b) a sanitary drain or sanitary plumbing (*additional sanitary drainage or plumbing*) is connected to the applicable sanitary drainage or plumbing between the separated grey water waste fixture and the grey water point; and
- (c) the additional sanitary drainage or plumbing is connected to a sanitary fixture that is not a separated grey water waste fixture.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.

#### **16B      Preservation of separated sanitary drainage for grey water**

- (1) This section applies to a sanitary drain or sanitary plumbing in a single residential building if the only sanitary fixtures connected to the drain or plumbing are separated grey water waste fixtures.
- (2) A licensee commits an offence if—
  - (a) the licensee connects a sanitary drain or sanitary plumbing (*additional sanitary drainage or plumbing*) to a sanitary drain or sanitary plumbing to which this section applies between a separated grey water waste fixture and a grey water point; and
  - (b) the additional sanitary drainage or plumbing is connected to a sanitary fixture that is not a separated grey water waste fixture.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

##### **Example**

In a single residential building, there is a sanitary drain connected only to the bath, the hand basin in the bathroom, a shower and the laundry tub (all separated grey water waste fixtures). Jodie, a licensee, connects the kitchen sink (not a separated grey water waste fixture) to the drain at a point between the laundry tub and a grey water point. The connection of the kitchen sink to the drain is an offence against this section.

## Endnotes

*Note* An example is part of the regulation, is not exhaustive and may extend, but does not limit, the meaning of the provision in which it appears (see Legislation Act, s 126 and s 132).

### **16C Overflow from grey water disposal system**

- (1) This section applies to sanitary drainage work or sanitary plumbing work—
  - (a) to install a grey water disposal system; or
  - (b) to change a grey water disposal system—
    - (i) to change the location of a discharge point; or
    - (ii) to increase the number of sanitary fixtures served by the system; or
    - (iii) to reduce the amount of grey water that the system can store or dispose of; or
    - (iv) to change the method of storage or disposal of grey water.
- (2) However, this section applies in relation to a grey water disposal system for premises only if the premises are, or are to be, connected to a sewerage network.
- (3) A licensee commits an offence if—
  - (a) the licensee does sanitary drainage work or sanitary plumbing work to which this section applies in relation to a grey water disposal system; and
  - (b) the system as installed or changed does not provide for grey water to drain automatically to a sewerage network if—
    - (i) the system is obstructed; or
    - (ii) the system receives more grey water than the system can properly dispose of; or

- (iii) the system overflows.

Maximum penalty: 10 penalty units.

- (4) An offence against this section is a strict liability offence.

## **16D      Retrofitting backflow prevention devices**

- (1) This section applies to sanitary drainage work or sanitary plumbing work (*applicable work*)—

- (a) to install a grey water disposal system; or
- (b) to change a grey water disposal system—
  - (i) to change the location of a discharge point; or
  - (ii) to increase the number of sanitary fixtures served by the system; or
  - (iii) to change the method of storage or disposal of grey water.

- (2) A licensee commits an offence if—

- (a) the licensee does applicable work at particular premises; and
- (b) the licensee does not ensure that a backflow prevention device that complies with AS/NZS 2845, as in force from time to time, is, or has been, installed in compliance with Australian Standard 3500 as part of the water supply plumbing for the premises.

Maximum penalty: 10 penalty units.

- (3) For subsection (2), Australian Standard 3500 applies as if the work on the grey water disposal system were completed and the system were being used to its maximum intended capacity.
- (4) An offence against this section is a strict liability offence.

**6 New sections 24A and 24B**

*in part 3, insert*

**24A Building in separated rainwater supply service**

- (1) This section applies to water supply plumbing work—
  - (a) for a single residential building or a garage associated with a single residential building; and
  - (b) in relation to a water service directly connected to a cistern tap point or a washing machine tap point.
- (2) However, this section does not apply to water supply plumbing work for—
  - (a) a hot-water system; or
  - (b) a ceramic cistern manufactured with provision for only 1 water inlet pipe; or
  - (c) a building that has, or will have, rainwater as its only source of water.
- (3) A licensee commits an offence if—
  - (a) the licensee connects a water service to a cistern tap point (the ***first cistern tap point***) in the course of the water supply plumbing work; and
  - (b) the licensee does not also install water supply plumbing that can connect a rainwater supply to an additional cistern tap point (the ***additional cistern tap point***) in compliance with subsection (5).

Maximum penalty: 10 penalty units.
- (4) A licensee commits an offence if—
  - (a) the licensee connects a water service to a washing machine tap point (the ***first washing machine tap point***) in the course of the water supply plumbing work; and

- (b) the licensee does not also install water supply plumbing that can connect a rainwater supply to an additional washing machine tap point (the ***additional washing machine tap point***) in compliance with subsection (5).

Maximum penalty: 10 penalty units.

- (5) The additional cistern tap point or additional washing machine tap point must—
  - (a) be adjacent to the first cistern tap point or first washing machine tap point; and
  - (b) if the additional tap point is not fitted with a tap—
    - (i) be connected to a threaded pipe fitting that has the same dimensions and thread characteristics as the first cistern tap point or first washing machine tap point; and
    - (ii) be provided with a cover ring or flange that matches as closely as possible the dimensions, shape, finish and colour of the cover ring or flange (if any) on the first cistern tap point or first washing machine tap point; and
  - (c) if the additional tap point is fitted with a tap—be fitted with a tap that matches as closely as possible the model, size, thread characteristics, type and appearance of the tap (if any) fitted to the first cistern tap point or first washing machine tap point.
- (6) An offence against this section is a strict liability offence.

## **24B Installing rainwater supply service**

- (1) Section 18, section 19 and section 21 apply to work done on a rainwater supply service as if—
  - (a) a reference in this regulation to a water service were a reference to a rainwater supply service; and
  - (b) the rainwater supply service took its water from a water network.

## Endnotes

- (2) A licensee commits an offence if—
- (a) the licensee installs a rainwater supply service; and
  - (b) the service is not connected to a rainwater supply; and
  - (c) each outlet and inlet, including any associated tap outlet, is not sealed and capped with a screw-on cap mated to—
    - (i) a threaded pipe fitting connected to the pipe; or
    - (ii) a washing machine tap outlet thread.

Maximum penalty: 10 penalty units.

- (3) An offence against this section is a strict liability offence.

- (4) In this section:

***rainwater supply service*** means water supply plumbing that can connect a rainwater supply to—

- (a) a cistern tap point; or
- (b) a washing machine tap point.

## 7 Dictionary, note 2

### *substitute*

*Note 2* The Legislation Act, dict, pt 1 defines the following terms:

- chief executive (see s 163)
- the Territory.

*Note 3* The Legislation Act, s 164 defines the following terms:

- AS
- AS/NZS
- Australian Standard.

*Note 4* Terms used in this regulation have the same meaning that they have in the *Water and Sewerage Act 2000* (see Legislation Act, s 148). For example, the following terms are defined in the *Water and Sewerage Act 2000*, dict:

- backflow prevention device
- grey water
- licensee
- sanitary drainage work
- sanitary plumbing work
- sewerage network
- single residential building
- water service
- water supply plumbing work.

## 8 Dictionary, new definitions

*insert*

***Australian Standard 3500*** means the following standards, as in force from time to time:

- (a) AS 3500.1.1;
- (b) AS 3500.2.1;
- (b) AS/NZS 3500.

***cistern tap point*** means a point on water supply plumbing where a tap for a cistern is, or can be, connected.

***grey water disposal system*** means any of the following systems, if the system is not connected to a sewerage network apart from any drainage mentioned in section 16C (3) (b):

- (a) a reservoir or tank that is, or can be, used to store grey water;

## Endnotes

- (b) a pipe or conduit that is, or can be, used to discharge grey water into the environment.

*Note* For the meaning of **sewerage network**, see the *Utilities Act 2000*, s 14 (see *Water and Sewerage Act 2000*, dict).

**grey water point** means a point on a sanitary drain or sanitary plumbing—

- (a) that is located outside and clear of any building or structure; and
- (b) from which grey water may flow by gravity to a grey water holding vessel, whether directly or through pipework draining; and
- (c) from which a grey water holding vessel or pipework draining mentioned in paragraph (b) can be connected without changing the location of the sanitary drain or sanitary plumbing.

**rainwater point** means a point on rainwater supply service—

- (a) that is located on the exterior of the building it serves; and
- (b) from which rainwater may flow, using a pump if required, from a rainwater tank to a washing machine tap point or a cistern, whether directly or through pipework draining; and
- (c) from which the washing machine tap point or cistern mentioned in paragraph (b) can be connected without demolishing, cutting or removing anything other than a pipe, cap or hatch to gain access to the rainwater point, or relocating the rainwater point.

**separated grey water waste fixture** means—

- (a) a bath, including a spa bath; or
- (b) a hand basin other than a kitchen sink; or
- (c) a laundry tub; or
- (d) a shower; or

- (e) a floor waste for a room that contains no sanitary fixtures other than those mentioned in paragraphs (a), (b), (c) and (d).

***washing machine tap point*** means a point on water supply plumbing where a cold water tap for a clothes washing machine is, or can be, connected.

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