

# Utilities (Technical Regulation) (Water and Sewerage Code) Approval 2024

## Disallowable Instrument DI2024–125

made under the

*Utilities (Technical Regulation) Act 2014*, s 14 (Technical codes—approval)

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### 1 Name of instrument

This instrument is the *Utilities (Technical Regulation) (Water and Sewerage Code) Approval 2024*.

### 2 Commencement

This instrument commences on 1 July 2024.

### 3 Approval

I approve the Water and Sewerage Technical Code (the Code) as set out in schedule 1.

### 4 Public access

Electronic copies of the Code are available on the Access Canberra website at <https://www.accesscanberra.act.gov.au/business-and-work/building-and-construction/regulated-utilities-services>. No fee applies to access the Code on the Access Canberra website.

As required by section 15 of the *Utilities (Technical Regulation) Act 2014* the Code is available for inspection upon request by the public between 8:30am and 4:30pm, from Monday to Friday except for public holidays, at the Access Canberra Land, Planning and Building Services Shopfront at 8 Darling Street, Mitchell. Please contact the Shopfront on the details below for more information:

Phone 6207 1923

Email: [acepdcustomerservices@act.gov.au](mailto:acepdcustomerservices@act.gov.au)

### 5 Revocations

- 1) The following technical codes in *Utilities (Technical Codes) Determination 2000* (DI2000-369) are revoked:
  - (i) *Water Metering Code December 2000*

- (ii) *Water and Sewerage Service and Installation Code December 2000*
  - (iii) *Water and Sewerage Network (Design and Maintenance) Code December 2000*
  - (iv) *Water Supply and Sewerage Service Standards Code December 2000*
- 2) *The Utilities (Technical Regulation) (Water and Sewerage Network Boundary Code) Approval 2018 (DI2018-62) is revoked.*

Shane Rattenbury MLA  
Minister for Water, Energy and Emissions Reduction

9 June 2024

**Schedule 1**

(see s 3)

Australian Capital Territory

**WATER AND SEWERAGE TECHNICAL CODE**

A technical code made under section 14 of the  
*Utilities (Technical Regulation) Act 2014*

JULY 2024

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## **PART 1: PRELIMINARY**

### **1. INTRODUCTION**

#### **1.1 Technical Code**

- 1) The Water and Sewerage Technical Code (the Code) is a technical code made under Part 3 of the *Utilities (Technical Regulation) Act 2014* (the Act).
- 2) Under section 14 of the Act, the Minister has approved the Code as recommended by the Technical Regulator.

### **2. APPLICATION AND PURPOSE OF THIS CODE**

#### **2.1 Application**

- 1) This Code applies to a regulated utility licensed to provide water and/or sewerage services.
- 2) A regulated utility is excused from performing its obligations under this Code to the extent it is prevented by events or circumstances beyond the reasonable control of the regulated utility.

*Explanatory notes, such as this one, are included in the Code to provide the reader with further context to the obligation.*

*Note: This Code requires a regulated utility to develop design and construction standards (see section 10) and utility requirements (see section 11). The design and construction standards and utility requirements may apply to parties other than the regulated utility, including contractors, subcontractors, customers, property developers, builders, plumbers and other regulated utilities.*

#### **2.2 Purpose**

- 1) This Code is made for the purposes, among other things, of:
  - (a) protecting the integrity of regulated utility networks and regulated utility services;
  - (b) ensuring the proper connection of customers' premises to a regulated utility's network for the provision of a regulated utility service;
  - (c) establishing design features and performance requirements for –
    - (i) a regulated utility network and or a regulated utility service, and
    - (ii) facilities or equipment on customer's premises that connect to a regulated utility network or regulated utility service; and
  - (d) establishing boundaries that apply in relation to regulated utility networks, other networks and customer premises.

*Note: The Code must be consistent with the objects of the Act and not inconsistent with any other technical code, including the Emergency Planning Code, the ACT Dam Safety Code and the Contestable Work Accreditation Code (see sections 6, 11 and 14 of the Act).*

### **2.3 Technical Authority**

- 1) A regulated utility must nominate the role to act as the “Technical Authority”.
- 2) The regulated utility must clearly define the roles and responsibilities for its Technical Authority, such as in a delegation schedule.
- 3) A regulated utility must ensure that *utility requirements*, design and construction standards, pressure and flow performance standards and any material deviations to these (including alternative network boundaries) are approved by the Technical Authority.

## **3. DICTIONARY**

- 1) The Dictionary (Schedule 1) forms part of this Code.

## **4. APPLICABLE STANDARDS**

- 1) A regulated utility must at a minimum comply with any standards applicable to the provision of water and sewerage services under this Code, including International Standards, Australian Standards and accepted industry standards.

*Note: Accepted industry standards are commonly adopted by utilities and may be in the form of standards, codes, guidelines and other publications by governing bodies such as the Australian Building Codes Board and Water Services Association of Australia.*

- 2) A regulated utility must comply with its own standards or *utility requirements* if these are higher than the minimum set out in subsection (1), except where approved under Section 2.3 (3).

## PART 2: MANAGEMENT SYSTEMS

### 5. ASSET MANAGEMENT SYSTEM

- 1) A regulated utility must develop, implement and maintain an Asset Management System that is not inconsistent with the suite of AS ISO 55000.
- 2) A regulated utility must make Asset Management Plans available to the Technical Regulator on request.
- 3) A regulated utility must:
  - (a) have an external review process for its Asset Management System;
  - (b) provide details of the external review process to the Technical Regulator for comment prior to initiation of the review; and
  - (c) provide a copy of the external review report to the Technical Regulator for information in a timely manner, subject to any obligation of confidentiality to a third party.
- 4) A regulated utility must review all of the components that make up its Asset Management System at a frequency of not less than every five years.

### 6. OTHER MANAGEMENT SYSTEMS

*Note: A regulated utility will have a number of other management systems to ensure safe, reliable and efficient delivery of regulated utility services. This includes safety, quality, environmental, risk and business continuity, water quality, legal and regulatory compliance, records and emergency. These systems may be standalone or part of an Integrated Management System.*

*Note: The Technical Regulator has powers in relation to the enforcement of technical codes, including obtaining information and documents (see section 22 of the Act).*

- 1) A regulated utility must allow the Technical Regulator to view any part of its other management systems or any audit reports for these systems.



## PART 3: NETWORK BOUNDARIES

*Note: The part sets out:*

- How the boundary of a network is worked out with reference to a connection point; and
- Circumstances in which an alternative boundary may be agreed.

*(see Division 7.2 of the Act)*

### 7. BOUNDARY BETWEEN UTILITY NETWORKS

#### 7.1 Definition of connection point

- 1) The boundary between two regulated water networks or two regulated sewerage networks is the designated connection point (or series of points) as agreed in writing between the utilities involved (network boundary agreement).
- 2) The network boundary agreement must specify ownership of network infrastructure, which may include the ownership of network infrastructure within the boundary of another utility's network.
- 3) The boundary between networks can only be made if the Technical Regulator has agreed in writing to the boundary and the Independent Competition and Regulatory Commission has been notified.

*To be clear, the Technical Regulator needs to agree in writing to the boundary but is not a party to the agreement itself.*

### 8. BOUNDARY BETWEEN A REGULATED UTILITY NETWORK AND CUSTOMER PREMISES

*Note: Refer to Schedule 1 for the definition of **customer premise**.*

*Note: A network boundary is distinguished from a **property boundary** (as set out on a title).*

#### 8.1 Definition of connection point

*Note: This section applies to new connections approved on or after the commencement of this Code. For connections prior to commencement of this Code, refer to technical codes in effect on the date of connection.*

*See section 12 for meter locations.*

- 1) For water connections, the boundary between a regulated utility's drinking water or non-drinking water network and a customer's premise is at the outlet of the regulated utility's meter coupling or flange (referred to as the water connection point).
- 2) Where a regulated utility's meter is not installed (for example fire services) the boundary between a regulated utility's drinking water or non-drinking water network and a customer's premise is the coupling or flange at the outlet of the first isolating valve.
- 3) Where unit metering is in place, the water connection point in (1) is defined in relation to the master meter.

- 4) For sewerage connections, the boundary between a regulated utility's sewerage network and a customer's premise is typically the collar immediately downstream of the last inspection opening on the household drain (referred to as the sewerage connection point).

## **8.2 Minimum requirements for connection points**

- 1) A regulated utility must specify its minimum requirements for all connections to the regulated utility network, including:
  - (a) standard water connections;
  - (b) standard unit metering water connections;
  - (c) standard sewerage connections; and
  - (d) other categories of connections.
- 2) A utility may specify the minimum requirements in either a *utility requirement* or design and construction standard.
- 3) A utility may define requirements for acceptable connection points that are 'on block' (located within the customer property boundary) and 'off block' (located outside the customer property boundary).
- 4) Minimum requirements must include technical drawings, diagrams, specifications, asset ownership and maintenance for each connection type.
- 5) A regulated utility may install a meter or valve where the boundary between the regulated utility network and customer premises for the water network has not been defined (for example, because the regulated utility does not have a meter or isolating valve in close proximity to the customer premises).

## **8.3 Alternative network boundary between the regulated utility network and customer premises**

*Note: The Act requires that an alternative network boundary can only be made if:*

- *The location and properties of any isolated infrastructure that is created by the alternative boundary is clearly identified; and*
- *The Technical Regulator agrees in writing to the alternative boundary.*

*(see section 53 of the Act)*

*Alternative boundary arrangements occur where privately owned infrastructure goes through another property and the connection point is not near the customer premises (for example, this can occur when a property does not have street frontage).*

- 1) A regulated utility may agree an alternative boundary between the regulated utility network and customer premises where necessary or desirable to achieve the objects of the Act. The alternative boundary may be defined with reference to a connection point or otherwise.
- 2) An alternative network boundary must:
  - (a) be agreed in writing by the regulated utility and the customer. The agreement must clearly define the boundary and any isolated infrastructure created by the alternative boundary;

- (b) be agreed in writing by the Technical Regulator; and
  - (c) be notified to the Independent Competition and Regulatory Commission.
- 3) The regulated utility's request for approval must be supported by technical documentation such as an engineering report and any other documentation reasonably required by the Technical Regulator to enable review of the proposed alternative boundary.
  - 4) Where an alternative boundary is agreed, the regulated utility must maintain the utility service up to the agreed connection point.

## **PART 4: PERFORMANCE**

*Note: A regulated utility is required to provide utility services in accordance with applicable laws, industry and technical codes.*

### **9. PERFORMANCE STANDARDS**

#### **9.1 Water quality**

- 1) A regulated utility must supply:
  - (a) drinking water in accordance with the Public Health (Drinking Water) Code of Practice and the Drinking Water Utility Licence; and
  - (b) non-drinking water in accordance with the Non-drinking Water Supply Code,as adopted and in effect from time to time.

#### **9.2 Water service pressure and flow**

- 1) As part of its network planning performance criteria, a regulated utility shall propose to the Technical Regulator, water service pressure and flow performance standards to be achieved during normal operating conditions including peak demand periods, and subject to any alternative agreement with customers, drinking water supply connections to premises.
- 2) Where a regulated utility restricts the supply of water to a customer's premises in accordance with the Consumer Protection Code, the flow rate must not be less than two litres per minute. The flow is to be measured immediately downstream of the water meter.

#### **9.3 Testing water quality, pressure or flow at request of customer or consumer**

- 1) A regulated utility must specify its procedure for testing water quality, pressure or flow at the request of a customer or consumer.
- 2) A regulated utility:
  - (a) must arrange for the testing of the quality, pressure and/or flow if reasonably requested by the customer or consumer either verbally or in writing;

- (b) ensure that any test is conducted in accordance with applicable standards; and
- (c) if requested by the customer or consumer:
  - (i) arrange for an Accredited Service Provider to undertake the test, and
  - (ii) provide a copy of the test report to the customer or consumer.

*Note: Testing may be undertaken by either the regulated utility or an Accredited Service Provider.*

#### **9.4 Water network availability**

- 1) A regulated utility must ensure that water supply from the water network is available 24 hours a day, every day of the year, subject to any disconnections of services, interruptions of supply, or restrictions to supply. These may occur in accordance with the Consumer Protection Code or may be due to events or conditions outside of the control of the regulated utility.
- 2) A regulated utility must make emergency supplies of drinking water of reasonable quantity and quality available to a drinking water customer on a standard customer contract, if the customer has been without drinking water for more than 12 hours.

#### **9.5 Fire fighting**

- 1) A regulated water utility must, at all times, have and comply with an agreement with ACT Fire and Rescue which details utility obligations for fire fighting purposes (fire fighting agreement).
- 2) The fire fighting agreement must, at a minimum, set out:
  - (a) expected water flow and pressures available within the regulated utility's network under specified demand criteria for fire fighting activities;
  - (b) expected fire hydrant locations and spacing;
  - (c) access requirements to the utility's water network infrastructure; and
  - (d) relationship and information management.
- 3) The regulated utility must provide a draft fire fighting agreement or variation to an existing fire fighting agreement to the Technical Regulator for comment and to satisfy that the minimum requirements in subsection (2) have been addressed.
- 4) The regulated utility must provide a copy of any new or varied fire fighting agreement to the Technical Regulator for information.
- 5) The regulated utility must review and update the fire fighting agreement every five years, or more frequently if there is a material change to applicable laws, Australian Standards or if requested by ACT Fire and Rescue, acting reasonably.

- 6) The regulated utility may, at any time, seek assistance from the Technical Regulator in resolving any outstanding issues with a proposed new or varied fire fighting agreement.

## **9.6 Sewerage network availability**

- 1) The sewerage network must be available 24 hours a day, every day of the year, subject to service interruptions and disconnections. These may occur in accordance with the Consumer Protection Code or may be due to events or conditions outside the control of the regulated utility.

## **9.7 Sewerage network**

*Note: A regulated utility is required to manage the sewerage network in accordance with applicable laws, including obligations under the Environment Protection Act 1997.*

- 1) The regulated utility must take all reasonable steps to ensure that the sewerage network is managed so as to:
  - (a) facilitate a sewage treatment plant's ability to treat sewage to applicable standards;
  - (b) minimise the production of odours which might emanate from the sewerage network;
  - (c) minimise the accumulation of solids and gases in sewer mains;
  - (d) prevent sewage overflows from the sewerage network or into customers' premises; and
  - (e) enhance the potential for reuse of treated effluent and biosolids.

## **9.8 Water and sewerage performance indicators**

*Note: A regulated utility reports performance information for multiple purposes. Performance indicators under this Code should align to existing performance information obligations where possible.*

- 1) A regulated utility must propose to the Technical Regulator a set of performance indicators for water and sewerage services taking account of:
  - (a) applicable law and regulation (including the performance standards outlined in section 9.1 to 9.7);
  - (b) available benchmarking activities (such as the National Performance Report); and
  - (c) additional performance indicators reasonably requested by the Technical Regulator,in accordance with the Schedule 2 (Transition).
- 2) The regulated utility must review the agreed performance indicators every five years at a minimum, or more frequently if there is a material change to relevant benchmarking indicators.

## PART 5: PLANNING AND DESIGN

### 10. NETWORK PLANNING AND DESIGN

#### 10.1 General

- 1) In accordance with its asset management system, a regulated utility must:
  - (a) develop and publish long-term plans based on a minimum 20 year horizon for managing its water and sewerage network assets (see section 10.2);
  - (b) design, construct, operate and maintain its networks in accordance with the objects of the Act and this Code;
  - (c) identify drivers used to make investment decisions in accordance with applicable Australian Standards, this may include but is not limited to growth, regulation, renewal and safety;
  - (d) clearly identify the performance criteria that have been used to assess capability and capacity of the networks (see section 10.2);
  - (e) prioritise its asset management program using a defined framework;
  - (f) maintain records and asset information; and
  - (g) adopt a system for classifying assets within the asset register.

#### 10.2 Network planning

- 1) A regulated utility must prepare network planning projections for its network infrastructure outlining how it will meet projected demand. For treatment plants (water and/or sewage), dams and other water sources, the projections must be for the next 30 years as a minimum. For all other network infrastructure the projections must be for the next 20 years as a minimum. These projections must consider current and future:
  - (a) performance criteria, which may be a combination of applicable laws (including *Environmental Protection Act 1997*), Australian and accepted industry standards, government policy, the utility's *utility requirements* and design and construction standards, performance obligations under section 9 of this Code and consumer and customer expectations;
  - (b) demand, which may be due to government policy changes, consumer behaviour, housing trends and population;
  - (c) asset age, condition, maintenance, configuration and performance;
  - (d) efficient use of resources, including additional water sources, water conservation measures and reuse, carbon and energy; and
  - (e) impact of climate.

*Note: The projections may be a single document or a series of documents.*

- 2) A regulated utility must:

- (a) at a minimum of each five years:
  - (i) review the projections for currency and relevance and provide the projections to the Technical Regulator, and
  - (ii) provide the Technical Regulator with a report that identifies where performance criteria may not be met in the future based on the projections in subsection (i), and actions planned in response to those projections.

### **10.3 Design principles and basis for design**

- 1) A regulated utility must:
  - (a) develop design principles and basis of design that are not inconsistent with the objects of the Act; and
  - (b) ensure that the principles are made available to the public on the regulated utility website.

### **10.4 Design and construction standards**

*Note: The role of the Technical Authority as outlined in section 2.3 includes approval of, and deviation from, design and construction standards.*

- 1) A regulated utility must develop, implement and maintain standards to be used in the design, construction, maintenance and operation of the sewerage network and water network, based on accepted industry practice and local conditions.
- 2) The regulated utility must consult with key stakeholders (including the Technical Regulator where applicable) when developing new or updating existing design and construction standards, if the change is significant or impacts on utility service performance.
- 3) A regulated utility must:
  - (a) ensure that the current version of relevant design and construction standards are made available to the public on the regulated utility website, subject to confidentiality issues that limit publication;
  - (b) promptly inform the Technical Regulator of any new or updated design and construction standards; and
  - (c) if reasonably requested by a member of the public, provide a copy of the relevant design and construction standards.

*Note: Relevant design and construction standards are those that may be needed by other parties, such as customers, property developers, builders and plumbers. If a design and construction standard is solely for the use of the regulated utility and its contractors, there is no expectation that it will be publicly available.*

- 4) The regulated utility must review its design and construction standards every five years at a minimum, or more frequently if there is a material change to applicable laws, Australian or accepted industry standards.

## PART 6: NETWORK CONNECTIONS

### 11. UTILITY REQUIREMENTS

#### 11.1 Development

- 1) A regulated utility must develop *utility requirements* that define the obligations of other parties that are not included within the design and construction standards for: connections, disconnections, replacement or alterations, asset protection, maintenance and access to any part of the regulated utility's network in accordance with this Code.
- 2) The regulated utility must consult with the Technical Regulator and other relevant stakeholders during the development of *utility requirements* (see section 11.4).
- 3) A *utility requirement* does not come into effect until approved by the Technical Authority.

#### 11.2 Implementation and transition

- 1) A regulated utility must implement *utility requirements* and transition from Service and Installation Rules to *utility requirements* in accordance with Schedule 2.

*Note: The Service and Installation Rules will apply until utility requirements commence in accordance with Schedule 2 (Transition).*

#### 11.3 Maintenance and updates

- 1) The regulated utility must review its *utility requirements* every five years at a minimum, or more frequently if there is a material change to applicable laws or Australian Standards.
- 2) The regulated utility must undertake consultation with the Technical Regulator and other relevant stakeholders when amending *utility requirements* if:
  - (a) changes may have material technical implications (see section 11.4); or
  - (b) the Technical Regulator reasonably considers the change to *utility requirements* to be significant.

*Note: "Material technical implications" occur when the regulated utility and/or other parties will need to change their technical practices in order to be compliant with the amended utility requirement, which may or may not have cost implications for the party. Examples of material technical implications are deleting a utility requirement or changing the approved depth of a sewer tie.*

- 3) Section 11.3 (2) does not apply:
  - (a) in urgent circumstances, where the regulated utility can implement new or updated *utility requirements* prior to consulting with the Technical Regulator provided that:
    - (i) the regulated utility informs the Technical Regulator as soon as reasonably practicable, and



- (ii) the regulated utility undertakes consultation after the urgent circumstances have passed if required by the Technical Regulator;  
or
  - (b) where there is an unintended consequence or error in an existing *utility requirement*, which has meant that the original intent of the *utility requirement* is not being met. Where this occurs, the regulated utility may update the *utility requirement* then inform the Technical Regulator as soon as reasonably practicable.
- 4) The regulated utility must provide the Technical Regulator 90 calendar days' notice that consultation is required. This notice may be provided as part of annual reporting obligations (see section 15.1) or separately.
- 5) The Technical Regulator may direct the regulated utility to review a *utility requirement* where the process outlined in this Code has not been followed or the UTR has concerns about a negative impact of the utility requirement on the safety, security and reliability of the water or wastewater network.

## **11.4 Consultation**

*Note: This section applies to any new utility requirement. It also applies to existing requirements where proposed changes may have a material technical implication.*

- 1) A regulated utility must:
  - (a) prepare draft *utility requirements* for consultation with stakeholders;
  - (a) clearly indicate the draft *utility requirements* as "draft" with a revision number and date;
  - (b) provide a minimum of 20 business days for comment by stakeholders;  
and
  - (c) prepare a summary report of representations made by stakeholders and the utility's response.

## **11.5 Publicly available**

- 1) A regulated utility must:
  - (a) ensure that the current *utility requirements* are made available to the public on the regulated utility's website; and
  - (b) if requested by a member of the public, provide a copy of the *utility requirements*.

## **12. METERING**

### **12.1 Metering equipment and installation**

- 1) A regulated utility must specify:
  - (a) metering equipment and connection obligations for all types of premises that are connected to a water;

- (b) the size and type of meter for new installations. The meter must be capable of measuring and recording the supply of water on a premises in accordance with any applicable tariff or alternative charging arrangements agreed in writing by the regulated utility and the customer;
- (c) protective structures for meters, including when protective structures are required, ownership of protective structures and maintenance responsibilities;
- (d) the location of meters; and

*Note: The location of the meter may indicate the connection point (see section 8).*

- (e) installation work, including that the party performing the metering equipment installation work must comply with all applicable laws (including Australian Standards and Plumbing Codes) and any design and construction standards or *utility requirements*.
- 2) Metering equipment supplied by a regulated utility (or approved by the regulated utility and supplied by a third-party supplier to a customer or developer) must comply with the applicable Australian Standard and the requirements of National Measurement Institute or equivalent body applicable at the time of supply.
  - 3) A regulated utility must give customers the option for metering equipment installation work to be performed by the regulated utility or a utility accredited plumber.

## **12.2 Access and alternative arrangements**

- 1) A regulated utility must specify minimum requirements for access to meters, including any circumstances under which it may consider alternative arrangements that are consistent with all applicable laws and the Standard Customer Contract.
- 2) The regulated utility must comply with the terms of alternative arrangements.

## **12.3 Management of meter fleet**

- 1) A regulated utility must develop and implement a program for meter testing and replacement. The program must be consistent with applicable:
  - (a) law;
  - (b) Australian Standards;
  - (c) national measurement codes and requirements of the National Measurement Institute or equivalent body; and
  - (d) accepted water industry practice for local conditions.

## **12.4 Removal and decommissioning**

- 1) The regulated utility must specify the process for the removal of redundant meters, including at the request of a customer.

- 2) The regulated utility must remove redundant meters in accordance with its minimum requirements.

## **12.5 Measurement of water supply**

- 1) In the absence of evidence to the contrary, the quantity of water supplied to a customer is taken to be the quantity registered by the metering equipment.

## **12.6 Water meter testing at request of customer**

- 1) A regulated utility must specify procedures for testing meters at the request of a customer, including if a customer disputes the quantity of water supply as registered by the metering equipment.
- 2) A regulated utility must specify any accepted margin of error for the purposes of testing of the accuracy and reliability of a meter.
- 3) A regulated utility must arrange for the testing of the accuracy and reliability of a meter if reasonably requested by the customer (verbally or in writing). Testing must be undertaken an Accredited Service Provider.
- 4) A regulated utility must:
  - (a) install a replacement meter if the meter is removed for testing;
  - (b) ensure that any test is conducted in accordance with applicable standards; and
  - (c) if requested by the customer provide a copy of the test report to the customer.

## **12.7 Individual metering for units**

*ACT Government has mandated individual metering for all units in new multi-unit developments.*

- 1) A regulated utility must specify any other design, installation or maintenance obligations that are required to be met by developers or customers for Class A or Class B units pursuant to the transition arrangements set out in clause(5) of Schedule 2.

# **13. BACKFLOW CONTAINMENT PROTECTION**

## **13.1 Connecting to the water network**

- 1) A regulated utility must specify its minimum requirements for containment protection.
- 2) These must:
  - (a) be consistent with applicable Australian Standards and Plumbing Codes;
  - (b) define protection type and hazard rating for backflow containment protection should the minimum requirement exceed the Australian Standards and Plumbing Codes;

- (c) specify responsibilities for the ownership, installation, maintenance, testing, inspection and reporting of backflow containment prevention devices;
- (d) require that backflow prevention installation work is undertaken by a utility accredited plumber; and
- (e) have provision for validating backflow compliance.

### **13.2 Connecting drinking and non-drinking water networks**

*Note: This type of connection may occur for example, where a regulated utility uses a drinking water source to supply water to a non-drinking water network.*

- 1) The regulated utility must ensure that there are containment protection controls in place for any boundary between a drinking water network and non-drinking water network.

## **14. LIQUID TRADE WASTE**

### **14.1 Approval to discharge liquid trade waste**

- 1) A regulated utility must consider an application for a customer to discharge liquid trade waste into the sewerage network.
- 2) A regulated utility may approve the discharge of liquid trade waste into its sewerage network if satisfied that it is safe, taking into account:
  - (a) the discharge will not harm the sewerage infrastructure, treatment processes, the environment or the health and safety of anyone working on the sewerage network or the public;
  - (b) the discharge will not lead to non-compliance with applicable laws, licenses, permits, authorisations and/or approvals for the regulated utility;
  - (c) the discharge will not adversely affect opportunities for re-use of treated effluent or bio-solids from the treatment process; and
  - (d) the sewerage network (including treatment processes) has sufficient capacity to collect, convey and treat the trade waste.

### **14.2 Liquid trade waste practices**

- 1) A regulated utility must have and comply with policies and procedures for managing its liquid trade waste customers. These must be consistent with accepted industry practice and applicable Australian Standards.
- 2) A regulated utility must specify minimum requirements and set out the conditions for any liquid trade waste discharge into the sewerage network, that may include:
  - (a) acceptance criteria for the characteristics of liquid trade waste that may be discharged;
  - (b) a risk-based methodology to classify liquid trade waste customers;

- (c) methodology for determining customer specific acceptance criteria;
- (d) pre-treatment controls that will be required for specified trade waste discharges;
- (e) inspection and monitoring arrangements that will be required to ensure the effectiveness of the conditions of an approval;
- (f) the period for which approvals will remain in place;
- (g) the circumstances under which the terms of an approval can be amended;
- (h) a compliance regime, including for unauthorised discharge (see also section 14.4);
- (i) the methodology that will be used for calculating charges for the acceptance of liquid trade waste discharges, including both compliant and non-compliant discharges (if applicable); and
- (j) dispute resolution process.

### **14.3 Liquid trade waste customer contract**

- 1) Where a regulated utility agrees to accept a customer's liquid trade waste discharge, the regulated utility must enter into a liquid trade waste customer contract.
- 2) The content of the liquid trade waste customer contract must be based upon the classification of the liquid trade waste customer.
- 3) The liquid trade waste customer contract must describe the conditions on which discharge has been accepted.

### **14.4 Compliance monitoring**

- 1) A regulated utility must maintain a register of its liquid trade waste customer contracts.
- 2) A regulated utility must monitor the compliance of liquid trade waste customers in accordance with its policies and procedures.
- 3) A regulated utility may take action, including suspension or termination, available to it under a liquid trade waste contract, for the following reasons:
  - (a) the counterparty to the contract has contravened a condition of approval;
  - (b) the counterparty to the contract has contravened a provision of this Code or the Act; or
  - (c) to protect health and safety of the public or anyone working on the sewerage network, to prevent harm to public health or the environment, to prevent damage to the regulated utility's sewerage network or to ensure the regulated utility can meet its obligations under section 9.7.

*Note: Offence provisions related to contamination of water or sewerage networks (see Division 5.3 of the Act) may also apply.*

## PART 7: MONITORING AND REPORTING

### 15. PERFORMANCE MONITORING AND REPORTING

#### 15.1 Annual compliance report

*Note: The Technical Regulator is required to prepare and publish a compliance report each year (section 80 of the Act). To assist in the preparation of the report, it is usual practice for the Technical Regulator to require a regulated utility provide an 'annual report' in the format requested by the Technical Regulator (section 22 of the Act outlines Technical Regulator powers to obtain information and documents).*

*Under its licence, a regulated utility must report to the Technical Regulator on its technical obligations, in a manner, timeframe and format required by the Technical Regulator.*

*This section provides further detail on these reporting obligations.*

- 1) A regulated utility must provide a compliance report to the Technical Regulator each year by 30 September, for the 12 months ending 30 June preceding.
- 2) The regulated utility must provide the information specified in this Code to the Technical Regulator in the compliance report. This includes but is not limited to:
  - (a) compliance with applicable standards (section 4);
  - (b) updates to the firefighting agreement and compliance with the firefighting agreement (section 9);
  - (c) performance against water and sewerage performance indicators, including instances of non-compliance (section 9);
  - (d) significant or repeated deviations to design and construction standards approved by the technical authority (section 10);
  - (e) progress against planned actions to satisfy network planning projections (section 10);
  - (f) any new *utility requirements* the regulated utility intends to develop or existing *utility requirements* the regulated utility intends to revise over the next 12 months, including the driver for the review (section 11);
  - (g) water meters fleet and testing activities (section 12); and
  - (h) liquid trade waste customers and compliance monitoring activities (section 14).

## 16. AUDIT

### 16.1 Audit process

*Note: Functions of the Technical Regulator include (section 78 of the Act):*

- To monitor and enforce regulated utility compliance with technical codes
- To audit the performance and compliance of regulated utility services

*This section outlines the process for audits under section 78 of the Act.*

*Under its licence, a regulated utility has its own obligations to undertake periodic audits of its regulated services and operations. Where the objective of the audit is to assess regulated utility compliance with the Act or a technical code, the audit will follow the process outlined in this section.*

- 1) The regulated utility and the Technical Regulator must develop and agree the detailed scope of the audit within 15 business days of the request for the audit being made. The scope of the audit must identify the obligations under the Code, licence or Act or Technical Regulator's direction which the audit will consider.
- 2) There must be a minimum of 10 business days between agreeing the scope and commencement of the audit, unless otherwise agreed by the regulated utility.
- 3) If the Technical Regulator requires that the audit be conducted by an external auditor(s), the auditors must be independent experts approved by the Technical Regulator. The Technical Regulator may consider an auditor nominated by the regulated utility.

*Note: Where an audit's scope overlaps with matters relating to the regulated utility's licence, the Independent Competition and Regulatory Commission may also be required by the regulated utility licence to approve both the audit scope and auditor selection.*

- 4) The draft audit report must be provided to both the regulated utility and the Technical Regulator for comment. The period for comment on a draft audit report must be between 5 and 15 business days depending on the scope of the audit or a longer time agreed by the Technical Regulator, acting reasonably.
- 5) The regulated utility must provide the final audit report to Technical Regulator within five business days of issue.
- 6) The Technical Regulator may provide the audit report to the Independent Competition and Regulatory Commission.
- 7) Within 20 business days of the issue of the final audit report, or the longer timeframe agreed by the Technical Regulator, the regulated utility must provide a report to the Technical Regulator outlining the actions it proposes to take to address any adverse audit findings, including timeframes for implementation.
- 8) The regulated utility must provide confirmation to the Technical Regulator that the actions outlined in subsection (7) have been implemented.

## **16.2 Compliance audit against this Code**

- 1) A regulated utility must undertake an audit of its compliance against this Code every five years at a minimum.
- 2) The first audit must commence within 24 months and be completed within 30 months of the date of effect of this Code.
- 3) The process for the compliance audit is specified in section 16.1.



## SCHEDULE 1: DICTIONARY

- 1) The below terms used in the Code have the same meaning as given in the Act as listed:
  - (a) "alternative network boundary", section 52
  - (b) "customer", Dictionary
  - (c) "isolated infrastructure", section 52
  - (d) "network boundary", section 53
  - (e) "regulated utility", section 8
  - (f) "regulated utility network", Dictionary
  - (g) "regulated utility service", section 9
  - (h) "technical code", Dictionary
  - (i) "technical regulator", section 77
  - (j) "urgent circumstances", section 20
- 2) The below terms used in the Code have the same meaning as given in the *Utilities Act 2000* as listed:
  - (a) "consumer", Dictionary
  - (b) "licence", Dictionary
  - (c) "sewerage network", section 14
  - (d) "water network", section 12
  - (e) "water services", section 11
- 3) "Accredited Service Provider" means an accredited testing facility, such as a National Measurement Institute accredited water meter/quality testing facility or National Association of Testing Authorities (NATA) accredited water/sewage testing laboratory.
- 4) "Act" means the *Utilities (Technical Regulation) Act 2014*.
- 5) "Asset management program" means the prioritised program of existing and planned lifecycle asset management activities including investment initiation, development, creation/acquisition, maintenance, operation and disposal/divestment.
- 6) "customer premises" broadly refers to premises, whether on public or private land, including premises held under crown leases, unit titles, community titles and public and unleased land. It is not limited to any building, dwelling or other facility on the land.
- 7) "Consumer Protection Code" means the *Consumer Protection Code 2020*, established as an industry code under Part 4 of the *Utilities Act 2000*.

- 8) "containment protection" has the same meaning as the Plumbing Code of Australia.
- 9) "Drinking Water Utility Licence" as approved under the *Public Health Act 1997*.
- 10) "Independent Competition and Regulatory Commission" as established under section 5 of the *Independent Competition and Regulatory Commission Act 1997*.
- 11) "liquid trade waste" means discharge into the sewerage network of anything other than ordinary domestic sewage in ordinary domestic volumes, and includes nightsoil (also known as tankered liquid waste).
- 12) "master meter" means a meter installed at the connection point that measures the total volume of water supplied to a multi-unit property.
- 13) "meter" means a device used to measure the water supply to a customer's premises and includes electronic and mechanical meters, and refers to both unit and master meters.
- 14) "metering equipment" means the meter, its protective structure and any other equipment specified by the regulated utility in its design and construction standards or *utility requirements*.
- 15) "network infrastructure" means any part of the infrastructure of a regulated utility network, including plant, fittings and systems.
- 16) "normal operating conditions" is the expected range of typical demands within the water network as defined within the utility design and construction standards, excluding fire fighting demands.
- 17) "ordinary domestic sewage in ordinary domestic volumes" as defined by the regulated utility in its design and construction standards or *utility requirements*.
- 18) "Plumbing Codes" means Plumbing Code of Australia.
- 19) "standard" refers to an International Standard, an Australian Standard or accepted industry standard (see section 4).
- 20) "Technical Authority" refers to the roles and responsibilities a regulated utility must nominate and establish to verify and approve technical decisions and deliverables related to the obligations of this Code (see section 2.3). The Technical Authority must be clearly defined, for instance as a delegation with reference to the experience, qualifications, registration under the Professional Engineers Act, and accountabilities of each position.
- 21) "utility accredited plumber" means a plumber accredited by a utility (see *Contestable Work Accreditation Code 2001*). Where an accreditation scheme is not in place, the plumber must be licenced under the *ACT Construction Occupations (Licensing) Act 2004* with the licence class appropriate to the work being undertaken and not have been placed on a utility's prohibited plumbers register.
- 22) "*utility requirements*" means any mandatory obligations the regulated utility requires other parties (such as, but not limited to, customers, developers, plumbers and builders) to comply with in relation to this Code that are not

included within the design and construction standards. *Utility requirements* will replace “Service and Installation Rules’ in accordance with Schedule 2.

- 23) “water sources” means both supply and demand measures, and may be existing or planned. Water sources may include surface water, recycled water for irrigation, purified recycled water for drinking, groundwater, water efficiency and leakage management.

## SCHEDULE 2: TRANSITION

- 1) A transition period of 24 months from the date of commencement of the Code applies to the following:
  - (a) Liquid trade waste practices, design and construction standards or *utility requirements*, compliance monitoring and reporting activities (see sections 14.2, 14.3 and 14.4).
- 2) A transition period of 18 months from the date of commencement of the Code applies to the following:
  - (a) Development and publishing design principles and basis for design (see section 10.3);
  - (b) Definition of a connection point between a regulated utility network and customer premises (see section 8.1); and
  - (c) Development and publishing any standards or *utility requirements* (see sections 8.2, 9.3, 10.4, 11, 12.1, 12.2, **Error! Reference source not found.**, 12.46, 13.1).
- 3) In relation to subsection 2(c), the Service & Installation Rules under the *Water and Sewerage Service and Installation Code (December 2000)* will remain in force until the transition to *utility requirements* has occurred, provided that, when design and construction standards or *utility requirements* come into effect, they will prevail to the extent of any inconsistency with the Service and Installation Rules.
- 4) A transition period of 36 months for Network planning projections (see section 10.2).
- 5) A transition period applies to the introduction of unit meters as follows:
  - (a) Class B units – customers or developers can opt-in to unit metering from 1 January 2025; mandatory unit metering is to commence for all new multi-unit developments where the Development Application is lodged on or after 1 July 2025; and,
  - (b) Class A units – customers or developers can opt-in to unit metering from 1 July 2027; mandatory unit metering is to commence for all new multi-unit developments where the Development Application is lodged on or after on 1 July 2028.
- 6) A transition period of six months from the date of commencement of the Code applies to all other obligations under this Code.
- 7) To be clear, subsection (4) does not require a regulated utility to update documentation during the transition period if it is still current. Where documents are current there is no obligation for the regulated utility to revise these deliverables until the next review is triggered.

*Note: Subsection (6) may apply where documents have a review cycle of every five years and a review is not triggered during the transition period, for example:*

- *Components that make up the asset management system (see section 5)*
- *The fire fighting agreement (see section 9.5).*