



Australian Capital Territory

# Water and Sewerage Regulations 2001

## Subordinate Law 2001 No 2

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The Australian Capital Territory Executive makes the following regulations under the *Water and Sewerage Act 2000*.

Dated 18 January 2001.

GARY HUMPHRIES  
Minister

BRENDAN SMYTH  
Minister

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## **PART 1—PRELIMINARY**

### **1 Name of regulations**

These regulations are the *Water and Sewerage Regulations 2001*.

### **2 Commencement**

These regulations commence on a day fixed by the Minister by notice in the Gazette.

*Note 1* Those provisions of regulations that provide for the name and commencement of the regulations automatically commence on the date of notification of the regulations (see *Interpretation Act 1967*, s 10B, as applied by *Subordinate Laws Act 1989*, s 9).

*Note 2* A single day or time may be fixed, or different days or times may be fixed for the commencement of different provisions (see *Interpretation Act 1967*, s 10C (1), as applied by *Subordinate Laws Act 1989*, s 9).

*Note 3* If a provision has not commenced within 6 months beginning on the date of notification of the regulations, it automatically commences on the first day after that period (see *Interpretation Act 1967*, s 10E (2), as applied by *Subordinate Laws Act 1989*, s 9).

### **3 Dictionary**

The dictionary at the end of these regulations is part of these regulations.

*Note 1* The dictionary at the end of these regulations defines certain words and expressions used in these regulations.

*Note 2* A definition in the dictionary applies to the entire regulations unless the definition, or another provision of the regulations, provides otherwise or the contrary intention otherwise appears (see *Interpretation Act 1967*, s 11F and s 11G).

### **4 Notes**

A note included in these regulations is explanatory and is not part of these regulations.

*Note* See *Interpretation Act 1967*, s 12 (1), (4) and (5) as applied by the *Subordinate Laws Act 1989*, s 9 for the legal status of notes.

**5 Construction of standards consistent with the regulations**

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

**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 use 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) Subregulations (1) and (2) do not apply if—

- (a) the requirements of Australian Standard 3500 or MP52 are inconsistent with standards mentioned in these regulations; and
- (b) the work was done in accordance with these regulations.

**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 section 8 (Issue of plan approvals) of the Act.

Maximum penalty: 10 penalty units.

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

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

(1) A person who does sanitary plumbing or sanitary drainage work must tell the chief executive 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 chief executive was told that the work was ready for inspection.

Maximum penalty: 5 penalty units.

(3) 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 regulation.

**10 Notification after completion of work**

**(1)** This regulation 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 these regulations and Australian Standard 3500, within 7 days after completion of the work, give the chief executive—

- (a) a statement of the work completed; and
- (b) evidence of payment of inspection fees under these regulations; 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 regulation 25 unless the chief executive is satisfied that the work complies with the regulations. The chief executive may only be able to be so satisfied if the statement, evidence and plan about the work has been given.

**11 Unblocking of drain by owner of land**

**(1)** The owner of land may unblock a blocked drain on the land if it is impossible or impracticable to get within a reasonable time a person who holds a licence to unblock the drain.

**(2)** Subregulation (1) does not apply if, to unblock the drain, the owner would have to—

- (a) break a pipe, cover or concrete material; or
- (b) remove a thrust-block.



**12 Separate drainage systems**

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

**13 Disconnecting combined drainage systems**

- (1) This regulation 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 regulation:
- significant work* means work where—
- (a) drains to more than half the fixtures are altered; or
  - (b) the number of fixtures is increased by more than 50%.

**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 subregulation (1).
- (4) The responsible utility may exempt a person from compliance with subregulation (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) Subregulation (1) does not apply to a person who is exempt under this regulation.

**16 Water closets and urinals**

- (1) Each house, building or parcel of land required by the chief executive to be connected to the sewerage network must have at least 1 water closet approved by the chief executive.
- (2) The chief executive must not approve a water closet for this regulation unless the following requirements are complied with:
- (a) if a closet pan and cistern are to be installed—a reduced-flush closet pan and a dual-flush 6/3L cistern must be installed;
  - (b) if a closet pan only is to be installed—a reduced-flush closet pan must be installed;
  - (c) if a cistern is to be installed that is connected to an existing full-flush closet pan—a separate dual-flush cistern must be installed that—
    - (i) is of at least 11L capacity; and

- (ii) gives an effective full-flush not exceeding 10L, and for test purposes, 9L; and
    - (iii) gives an effective half-flush not exceeding 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—a dual-flush 6/3L cistern must be installed;
  - (e) if a closet pan is to be flushed with water drawn from a central storage cistern installed before 1 January 1994 and—
    - (i) if the pan is a full-flush closet pan—it must be flushed with an effective full-flush not exceeding 10L and for test purposes, 9L; or
    - (ii) if the pan is a reduced-flush closet pan—it must be flushed with an effective full-flush not exceeding 10L and for test purposes, either 6L or 9L;
  - (f) 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;the pan may be flushed with a half-flush of at least 4.5L and not exceeding 5.5L;
  - (g) 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;the pan may be flushed with a half-flush of at least 3L and not exceeding 4L;
  - (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.
- (3) A water closet must not be installed in a cellar or basement, except with the approval of the chief executive.

(4) The chief executive may only approve the installation of a water closet in a cellar or basement if, before installing the water closet—

- (a) the owner has given written notice to the chief executive that the owner will take all risk of damage that may arise; and
- (b) the chief executive is satisfied that—
  - (i) the water closet cannot be placed somewhere else; and
  - (ii) the soil pipe can be connected into an existing sewer.

(5) In this regulation:

***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 Australian Standard 1172.

***reduced-flush closet pan*** means a closet pan that is a reduced-flush pan under Australian Standard 1172.

### **PART 3—WATER SUPPLY**

#### **17 Notice about work on water service**

A notice under section 15 (Notice of interference with certain pipes communicating with water network) of the Act 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 at which the work is to be done; and
- (b) showing the position on the premises in which 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 section 8 (Issue of plan approvals) of the Act.

Maximum penalty: 10 penalty units.

(2) A person must not use plumbing or drainage products on a water service or hot water system taking its water from a water network unless the work is done in accordance with the requirements of MP52.

Maximum penalty: 10 penalty units.

(3) Subregulations (1) and (2) do not apply if—

- (a) the requirements of Australian Standard 3500 or MP52 are inconsistent with standards mentioned in these regulations; and
- (b) the work was done in accordance with these regulations.

#### **19 Inspection of work etc**

(1) A person who does work on a water service or hot water system must tell the chief executive 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 chief executive 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 regulation.

## **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 these regulations and Australian Standard 3500, within 7 days after completion of the work, give the chief executive—

- (a) a statement of the work completed; and

- (b) evidence of payment of inspection fees under these regulations; 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 regulation 25 unless the chief executive is satisfied that the work complies with the regulations. The chief executive 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 regulation applies if a certifier has reasonable grounds for believing that, by doing work of the kind mentioned in regulation 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 to whom plan approval is given who is required to install an appropriate backflow prevention device must not, without reasonable excuse—

- (a) fail to install the device; or
- (b) install the device otherwise than in accordance with the plan.

Maximum penalty: 10 penalty units.

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

Maximum penalty: 10 penalty units.

(5) A person who installs a testable backflow prevention device must—

- (a) tell the chief executive 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 chief executive a test report prepared by the person who did the test.

Maximum penalty: 10 penalty units.

(6) 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 chief executive a test report prepared by the person who did the test.

Maximum penalty: 10 penalty units.

(7) For subregulation (6)—

- (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 regulation.

(8) In this regulation:

***appropriate backflow prevention device*** means a backflow prevention device selected in accordance with Australian Standard 3500.

***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 regulation:

*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.

## **PART 4—MISCELLANEOUS**

### **25 Certificate of compliance**

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

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

### **26 Notice of decisions**

- (1) This regulation applies to—
  - (a) a decision of the responsible utility under subregulation 15 (4), to refuse to give an exemption; and
  - (b) a decision of the chief executive under regulation 25, to refuse to issue a certificate of compliance.
- (2) The chief executive or responsible utility must give written notice of a decision to which this regulation 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 subsection 25B (1) of the *Administrative Appeals Tribunal Act 1989*.

### **27 Review of decisions**

Application may be made to the administrative appeals tribunal for review of a decision of the chief executive or responsible utility mentioned in regulation 26.

## DICTIONARY

(See reg 3)

***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.

***the Act*** means the *Water and Sewerage Act 2000*.

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## Endnotes

### Notification

- 1 Notified in Gazette 2001 No 4 on 25 January 2001.

### Penalty units

- 2 The *Interpretation Act 1967*, s 33AA (as applied by the *Subordinate Laws Act 1989*, s 9) deals with the meaning of offence penalties that are expressed in penalty units.