



Australian Capital Territory

Water and Sewerage Amendment Regulations 2004 (No 1)

Subordinate Law SL2004-45

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

Dated 8 September 2004.

SIMON CORBELL
Minister

KATY GALLAGHER
Minister



Australian Capital Territory

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made under the

Water and Sewerage Act 2000

1 Name of regulations

These regulations are the *Water and Sewerage Amendment Regulations 2004 (No 1)*.

2 Commencement

These regulations commence on 1 January 2005.

Note The naming and commencement provisions automatically commence on the notification day (see Legislation Act, s 75 (1)).

3 Legislation amended

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

4 New regulation 5A

in part 1, insert

5A Offences against regulations—application of Criminal Code etc

Other legislation applies to an offence against these regulations.

Note 1 Criminal Code

The Criminal Code, ch 2 applies to the offences against regulations 16A to 16D, 24A and 24B (see Code, pt 2.1).

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 regulations 16A to 16D

in part 2, insert

16A Building-in separated sanitary drainage for grey water

- (1) This regulation 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 regulation 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 regulation 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 regulation is a strict liability offence.

16B Preservation of separated sanitary drainage for grey water

- (1) This regulation 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 regulation 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 subregulation (2) 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 reg (2).

16C Overflow from grey water disposal system

- (1) This regulation 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

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- (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 regulation 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 subregulation (3) is a strict liability offence.

16D Retrofitting backflow prevention devices

- (1) This regulation 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 subregulation (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 subregulation (2) is a strict liability offence.

6 New regulations 24A and 24B

in part 3, insert

24A Building-in separated rainwater supply service

- (1) This regulation 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 regulation does not apply to water supply plumbing work for—
 - (a) a hot-water system; or

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- (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 subregulation (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 subregulation (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 regulation is a strict liability offence.

24B Installing rainwater supply service

- (1) Regulations 18, 19 and 21 apply to work done on a rainwater supply service as if—
 - (a) a reference in the regulations 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.
- (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 subregulation (2) is a strict liability offence.

(4) In this regulation:

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/NZS
- Australian Standard.

Note 4 Terms used in these regulations 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 regulation 16C (3) (b):

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

Endnotes

1 Notification

Notified under the Legislation Act on 8 September 2004.

2 Republications of amended laws

For the latest republication of amended laws, see www.legislation.act.gov.au.

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