



New South Wales

Water Supply Authorities (Broken Hill—Water, Sewerage and Trade Waste) Regulation 1997

under the

Water Supply Authorities Act 1987

His Excellency the Lieutenant-Governor, with the advice of the Executive Council, has made the following Regulation under the *Water Supply Authorities Act 1987*.

KIM YEADON, M.P.,

Minister for Land and Water Conservation

Explanatory note

The object of this Regulation is to repeal and remake the *Water Supply Authorities (Broken Hill—Water, Sewerage and Trade Waste) Regulation 1992*. The new Regulation deals with the following matters:

- (a) water and sewerage (Part 2), including:
 - (i) the carrying out of plumbing work (Division 1), and
 - (ii) the installation and operation of water services (Division 2), and
 - (iii) the installation and operation of sewerage services (Division 3), and
 - (iv) the use of water meters (Division 4),
- (b) the discharge of trade waste and noxious substances (Part 3),
- (c) the issue, suspension and cancellation of permits (Part 4),
- (d) other minor, consequential and ancillary matters (Parts 1 and 5).

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Explanatory note

This Regulation adopts the following publications:

- the publication entitled *New South Wales Code of Practice—Plumbing and Drainage*, published in Gazette No 89 of 17 July 1992 at pages 5098–5146,
- the publication entitled *Manual of Authorization Procedures for Plumbing and Draining Products*, published by the Standards Association of Australia.

This Regulation is made under the *Water Supply Authorities Act 1987*, including section 66 (the general regulation-making power).

This Regulation is made in connection with the staged repeal of subordinate legislation under the *Subordinate Legislation Act 1989*.

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Water Supply Authorities (Broken Hill—Water, Sewerage and Trade Waste) Regulation 1997

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Water Supply Authorities (Broken Hill—Water; Sewerage and Trade Waste) Regulation 1997*.

2 Commencement

This Regulation commences on 1 September 1997.

3 Definitions

In this Regulation:

approved means approved by the Board.

Board means the Broken Hill Water Board.

certificate of compliance means a certificate of the kind referred to in clause 10.

defect in a water or sewerage service includes:

- (a) a construction or use of the service that does not comply with the *Plumbing and Drainage Code of Practice*, and
- (b) a blockage or leakage in the service.

fitting includes any pipe, apparatus or fixture used for plumbing work.

land means:

- (a) a parcel within the meaning of the *Strata Title Act 1973* or the *Strata Titles (Leasehold) Act 1986*, or
- (b) a lot or portion in a current plan within the meaning of section 327AA of the *Local Government Act 1919* that is not a strata plan registered under the *Strata Titles Act 1973* or the *Strata Titles (Leasehold) Act 1986*, or
- (c) improvements erected on such a parcel, lot or portion.

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Clause 3 Water Supply Authorities (Broken Hill—Water, Sewerage and Trade Waste) Regulation 1997

Part 1 Preliminary

noxious substance means any of the following:

- (a) a substance which could cause an explosion or fire in a sewerage service or treatment work of the Board,
- (b) discrete oil,
- (c) an infectious substance (other than human waste) that has not been disinfected,
- (d) a toxic substance,
- (e) trade waste which has a temperature greater than 38 degrees Celsius,
- (f) a substance (whether or not a solvent, an enzyme, mutant bacteria or an odour control agent) which could adversely affect the operation of a grease arrester or other device or equipment used for the treatment of waste,
- (g) a substance which is carcinogenic or mutagenic and could adversely affect the environment,
- (h) animal matter, wool, hair, fleshing, feathers, dust, ashes, soil, rubbish, grease, garbage, dead animals, vegetable or fruit parings, wood, rags, synthetic plastics, steam or any solid matter,
- (i) matter which, in the opinion of the Board:
 - (i) is injurious to, or liable to form compounds injurious to, any part of the sewerage service or treatment work of the Board or to employees of the Board engaged in the operation or maintenance of that service, or
 - (ii) will impair or be liable to impair the operations or functions of the Board,and which the Board has, by notice in writing served personally or by post, required the person to cease or refrain from discharging,
- (j) any other substance which may cause pollution, within the meaning of the *Clean Waters Act 1970*, of any water.

Plumbing and Drainage Code of Practice means the code of practice published by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales under the title *New South Wales Code of Practice—Plumbing and Drainage*, as published in Gazette No 89 of 17 July 1992 at pages 5098–5146.

plumbing work means work comprising or affecting:

- (a) a water supply service pipe or its connection to a water main of the Board, or
- (b) a sewerage service pipe or its connection to a sewer main of the Board.

repair includes make good, replace, reconstruct, remove, alter, cleanse or clear.

SAA MP52 (1993) means the publication entitled Manual of Authorization Procedures for Plumbing and Draining Products, published by the Standards Association of Australia, Fourth edition (1993).

sewerage service pipe means a pipe connecting premises to a sewer main of the Board, and includes the fittings connected to the pipe.

the Act means the Water Supply Authorities Act 1987.

trade waste includes:

- (a) liquid or waterborne waste that arises from the conduct on any scale of a business or trade or of any manufacturing or commercial enterprise or industry, and
- (b) liquid or waterborne waste that arises from the conduct of any hospital, school or other institution,

but does not include unpolluted water, stormwater or domestic sewage.

water supply service pipe means a pipe connecting premises to a water main of the Board, and includes the fittings connected to the pipe.

4 Notes

The explanatory note and table of contents do not form part of this Regulation.

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Clause 5 Water Supply Authorities (Broken Hill–Water, Sewerage and Trade Waste) Regulation 1997

Part 2 Water and sewerage

Division 1

Part 2 Water and sewerage

Division 1 Plumbing work

5 Plumbing work to comply with Code of Practice and to use only approved fittings

- (1) A person must not do plumbing work otherwise than in accordance with the Plumbing and Drainage Code of Practice.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in any other case).

- (2) A person must not use any fitting for plumbing work unless the fitting is approved.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in any other case).

6 Permit required for plumbing work

- (1) A person must not do plumbing work otherwise than in accordance with a permit held by the person, being a permit authorising the person to do the work.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in any other case).

- (2) A person is not guilty of an offence against this clause if:

(a) the work is done in an emergency:

(i) to prevent waste of water, or

(ii) to restore a water supply that has been shut off to prevent waste of water, or

(iii) to free a choked pipe, or

(iv) to prevent damage to property, and

(b) the person obtains a permit for the work as soon as practicable after the work is done.

- (3) This clause does not apply to or in respect of plumbing work done by an employee of the Board.

- (4) The Board may grant permits for the purposes of this clause.
- (5) Part 4 applies to the granting, variation, suspension and cancellation of any such permit.

7 Board to be notified of damage to its works or other property

A person who, in the course of doing plumbing work, damages a work or other property of the Board must immediately notify the Board of the damage.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in any other case).

8 Defective plumbing work

- (1) The Board may, by written notice served on a person who is doing plumbing work, direct the person:
 - (a) to repair, as specified by the Board, work done otherwise than in a tradesmanlike manner, or
 - (b) to bring into conformity with the *Plumbing and Drainage Code of Practice* work done otherwise than in accordance with that Code, or
 - (c) to bring into conformity with the conditions imposed on a permit work done otherwise than in accordance with those conditions, or
 - (d) to repair or replace, as specified by the Board, a defective fitting used in any of the work done, or
 - (e) to bring into conformity with the Board's approval any fitting that does not comply with the approval.
- (2) A person to whom such a direction is given must not fail to comply with the direction.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in any other case).

- (3) If a direction is given to a person before a certificate of compliance is given for the work, the person must not continue with the work until the direction has been complied with.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in any other case).

- (4) A direction is of no effect if it is issued more than 2 years after the work to which it relates has been completed.

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Clause 9 Water Supply Authorities (Broken Hill–Water, Sewerage and Trade Waste) Regulation 1997

Part 2 Water and sewerage

Division 1

9 Approval of fittings

- (1) Before approving the construction or use of a fitting of a particular kind, the Board:
 - (a) may require:
 - (i) a fitting of that kind to be submitted to the Board for examination and testing, or
 - (ii) submission to the Board of a satisfactory result of tests of a fitting of that kind carried out by an approved person or body, and
 - (b) may require fittings of that kind to be manufactured under an approved system of quality assurance.
- (2) The Board must not approve the construction or use of a particular kind of fitting unless it is satisfied that it complies with the requirements of SAA MP52 (1993).

10 Person to give Certificate of compliance after work completed

- (1) A person who does plumbing work must, within 48 hours after completing the work:
 - (a) give the Board a certificate of compliance duly completed and signed by the person, and
 - (b) give a copy of the certificate to the owner of the premises on which the work was done or to which the work was connected.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in any other case).

- (2) In the case of premises occupied by someone other than the owner, a copy of the certificate may instead be given to the occupier.
- (3) A certificate of compliance must be in the approved form (as supplied by the Board) and must certify that the plumbing work to which it relates has been completed in accordance with the *Plumbing and Drainage Code of Practice*.
- (4) A person must not, in a certificate of compliance, provide information that the person knows to be false or misleading in a material particular.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in any other case).

- (5) This clause does not apply to or in respect of plumbing work done by an employee of the Board.

Division 2 Water services

11 Water service not to be shared

A person must not operate or use a water service that would be, or is, shared with any other land otherwise than in accordance with an approval given by the Board.

Maximum penalty: 50 penalty units (in the case of a corporation) or 5 penalty units (in any other case).

12 Fire services

- (1) A person must not:
- (a) retain a fire service that does not comply with the *Plumbing and Drainage Code of Practice*, or
 - (b) fail to comply with any directions given by the Board regarding the way in which that Code must be complied with in relation to any such service.

Maximum penalty: 50 penalty units (in the case of a corporation) or 5 penalty units (in any other case).

- (2) A person must not use a fire service otherwise than:
- (a) for the purpose of fighting or extinguishing a fire, or
 - (b) for a purpose approved by the Board.

Maximum penalty: 50 penalty units (in the case of a corporation) or 5 penalty units (in any other case).

- (3) In this clause:
fire service includes all parts of a water service installed in or around a building for the purpose of fighting and extinguishing fires.

13 Misuse, waste of water

A person must not wilfully or negligently:

- (a) use a fitting, or
- (b) cause or allow a fitting to be used or be out of repair, or
- (c) otherwise do any act or thing, or allow any act or thing to be done,

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Clause 13 Water Supply Authorities (Broken Hill–Water, Sewerage and Trade Waste) Regulation 1997

Part 2 Water and sewerage
Division 2

so as to cause water supplied by the Board to be wasted or misused or (if the water is yet to be used) to be contaminated.

Maximum penalty: 100 penalty units (in the case of a corporation) or 10 penalty units (in any other case).

14 Water to be taken through approved stoptaps

A person must not take water supplied by the Board otherwise than:

- (a) through an approved stoptap connecting a water service pipe to the Board's water main, or
- (b) in accordance with an approval given by the Board.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in any other case).

15 Information regarding supply

- (1) An authorised person may direct an owner or occupier of land or premises to furnish the authorised person with such information within that person's knowledge as is necessary to enable the Board to assess the quantity of water supplied to the land or premises.
- (2) A person must not:
 - (a) fail to comply with a direction under this clause, or
 - (b) in purported compliance with such a direction, furnish information that the person knows to be false or misleading in a material particular.

Maximum penalty (subclause (2)): 10 penalty units (in the case of a corporation) or 2.5 penalty units (in any other case).

Division 3 Sewerage services

16 Installation and maintenance of sewerage service by owner

An owner of land connected to the Board's sewer main, whether located within or outside the land, must ensure that:

- (a) the installation of any sewerage service, and the connection of any such sewerage service to the sewer main, are done by the holder of a permit, and

- (b) any such sewerage service is kept in good order and condition and free from defects.

Maximum penalty: 50 penalty units (in the case of a corporation) or 5 penalty units (in any other case).

17 Sewerage service not to be shared

A person must not maintain or use a sewerage service that would be, or is, shared with any other land otherwise than in accordance with an approval given by the Board.

Maximum penalty: 50 penalty units (in the case of a corporation) or 5 penalty units (in any other case).

18 Sewerage service and land boundaries

- (1) A person must not install, maintain or use a sewerage service for any land beyond the boundaries of that land otherwise than in accordance with an approval given by the Board.

Maximum penalty: 50 penalty units (in the case of a corporation) or 5 penalty units (in any other case).

- (2) This clause does not prohibit the extension of a sewerage service beyond the boundaries of any land for the purpose only of connecting the service to the Board's sewer.

19 Supply of plans

- (1) On application by an owner or an owner's agent, the Board must issue a plan showing the point of connection to the Board's sewer of any land or premises.

- (2) On completion of any sewerage work, the person doing the work must supply a plan of the work to the owner of the land or premises (or the owner's agent) or to the Board.

Maximum penalty (subclause (2)): 10 penalty units (in the case of a corporation) or 2.5 penalty units (in any other case).

20 Discharge of certain matter

An occupier of land or premises, or an owner of unoccupied land or premises, must not (directly or indirectly) discharge or allow to discharge into a sewerage service for the land or premises:

- (a) any rainwater, sub-surface water or stormwater, or

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Clause 20 Water Supply Authorities (Broken Hill–Water, Sewerage and Trade Waste) Regulation 1997

Part 2 Water and sewerage
Division 3

- (b) anything that could be detrimental to the health or safety of employees of the Board in the course of their employment, or
- (c) anything that could be detrimental to the works of the Board or their operation.

Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in any other case).

Division 4 Meters

21 Meters

- (1) The supply of water from the Board to any land or premises is to be measured by a meter provided by the Board or in some other approved manner.
- (2) In the absence of evidence to the contrary, the quantity of water supplied by the Board is taken to be the quantity registered by such a meter.

22 Property in meters

A meter and fittings provided by the Board and forming part of a water service remain the property of the Board.

23 Access to meters

If a meter for any land or premises is so installed or located that it cannot be conveniently read or examined, the owner of the land or premises:

- (a) must cause the meter to be re-positioned, or
- (b) must take such other action as is necessary to enable the meter to be conveniently read or examined,

in accordance with the directions of the Board.

Maximum penalty: 10 penalty units (in the case of a corporation) or 2.5 penalty units (in any other case).

24 Care of meters

- (1) An occupier of land or premises, or an owner of unoccupied land or premises, must keep protected from damage any meter and meter fittings that form part of a water service for the land or premises.

Maximum penalty: 10 penalty units (in the case of a corporation) or 2.5 penalty units (in any other case).

- (2) An occupier of land or premises, or an owner of unoccupied land or premises, is liable to the Board for the cost of repairing any damage caused to a meter by a failure to comply with subclause (1).

25 Discontinuance of use of meters

A person who intends to discontinue the use of a meter provided by the Board must give to the Board at least 14 days' written notice of that fact.

Maximum penalty: 10 penalty units (in the case of a corporation) or 2.5 penalty units (in any other case).

26 Testing of meters

- (1) An owner or an occupier of land or premises for which a meter has been installed may apply to the Board to have the meter tested.
- (2) An application to have a meter tested must be in a form approved by the Board.
- (3) If, on a test, a meter registers 5 per cent or more above the quantity of water passed through it, the Board is to bear the expenses of the test.
- (4) If, on a test, a meter registers less than 5 per cent above the quantity of water passed through it, the person who required the test must pay such fee as the Board determines for the expenses of the test.
- (5) If, on a test, a meter registers 5 per cent or more above the quantity of water passed through it, an adjustment proportionate to the percentage of error is to be made in the reading objected to and in any further reading up to the time of removal of the meter.

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Clause 26 Water Supply Authorities (Broken Hill - Water, Sewerage and Trade Waste) Regulation 1997

Part 2 Water and sewerage
Division 4

- (6) No adjustment is to be made if a meter registers within 5 per cent of the quantity of water passed through it.
- (7) If, at any reading, a meter is registering inaccurately or has ceased to register, the Board is entitled to adjust the charge for water supplied during the period to which the reading relates on the basis of a daily consumption equal to the average daily consumption during a corresponding previous period.
- (8) If there was no reading for a corresponding previous period, or if the Board is of the opinion that an adjustment on the basis of such a period would not be reasonable, the Board may assess the quantity of water used or may adjust the charge on such other basis as may be mutually agreed on between the Board and the consumer.

Part 3 Discharge of trade waste and noxious substances

27 Discharge of trade waste or noxious substance without a permit

- (1) A person must not, directly or indirectly:
 - (a) discharge any trade waste or noxious substance into a sewerage service or treatment work of the Board, or
 - (b) cause or allow any trade waste or noxious substance to be so discharged,otherwise than in accordance with a permit.
Maximum penalty: 100 penalty units (in the case of a corporation) or 50 penalty units (in any other case).
- (2) The Board may grant permits for the purposes of this clause.
- (3) Part 4 applies to the granting, variation, suspension and cancellation of any such permit.

28 Direction to stop discharge

- (1) If, in contravention of clause 27, a person:
 - (a) discharges any trade waste or noxious substance into a sewerage service or treatment work of the Board, or
 - (b) causes or allows any trade waste or noxious substance to be so discharged,the Board may direct the person to cease doing so within such reasonable time as may be specified by the direction.
- (2) The direction is to be given by means of a written notice served personally or by post on the person.
- (3) If the discharge continues after the time allowed by the direction, the Board may take such steps as are necessary to stop it.
- (4) Subclause (3) does not authorise the entry by the Board into any premises except with the consent of the occupier of the premises or in accordance with the Act or the conditions of a permit.
- (5) The liability of a person to be prosecuted for an offence under clause 27 is not affected by any action of the Board under this clause.

Part 4 Permits

29 Application for permit

- (1) An application for a permit:
 - (a) must be made in an approved form, and
 - (b) must be lodged personally or by post at an office of the Board.
- (2) In the case of a permit for plumbing work, the application must be lodged at least 2 working days before the day on which the work to which the application relates is proposed to be done.
- (3) An applicant must pay the fee determined by the Board for the issue of a permit.

38 False information in application for permit

A person must not, in or in connection with an application for a permit, provide information or produce a document that the person knows to be false or misleading in a material particular.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in any other case).

31 Refusal of permits

- (1) The Board may refuse to grant a permit to a person who, in its opinion:
 - (a) has previously done plumbing work, or
 - (b) has previously discharged any trade waste or noxious substance,in contravention of the Act, this Regulation or a direction under the Act or this Regulation.
- (2) The Board may also refuse to grant a permit to a person while any relevant information that was not supplied with the application and that has been requested by the Board from the applicant is outstanding.

32 Conditions of permits

- (1) The Board may grant a permit subject to conditions.
- (2) From time to time, the Board:
 - (a) may vary or revoke the conditions of a permit, or
 - (b) impose further conditions on a permit.
- (3) A person must not contravene a condition of a permit.

Maximum penalty: 200 penalty units (in the case of a corporation) or 100 penalty units (in any other case).

33 Duration of permits

Unless sooner cancelled, a permit has effect from the time it is granted until such time as it is expressed to expire.

34 Suspension or cancellation of permit

- (1) The Board may, by written notice served on the holder of a permit, suspend or cancel the permit if
 - (a) the permit was granted on the basis of false or misleading information, or
 - (b) the holder of the permit has contravened a condition of the permit, or
 - (c) the holder of the permit has contravened the Act, this Regulation or a direction under the Act or this Regulation.
- (2) The notice must set out the reason for the suspension or cancellation.
- (3) The Board may suspend or cancel a permit at the request of:
 - (a) the holder of the permit, or
 - (b) the owner, or duly authorised agent of the owner, of the premises on which the work authorised by the permit is to be, or is being, done.

Part 5 Miscellaneous

35 Exemption from certain requirements

- (1) The Board may exempt all persons, or any specified class of persons, from any or all of the following requirements of this Regulation:
 - (a) the requirement to hold a permit authorising the doing of plumbing work,
 - (b) the requirement to complete a certificate of compliance with respect to plumbing work,
 - (c) the requirement to use only approved fittings for plumbing work.
- (2) An exemption under subclause (1) (a) or (b) may relate to plumbing work generally or to any specified kind or kinds of plumbing work.
- (3) An exemption under subclause (1) (c) may relate to fittings generally or to any specified kind or kinds of fitting.
- (4) The Board may vary or revoke any exemption under this clause.
- (5) Notice of any exemption granted under this clause, or of any variation or revocation of such an exemption, may be given in such manner as the Board considers appropriate.
- (6) A person in respect of whom an exemption under this clause ceases to have effect by reason of the variation or revocation of the exemption is not guilty of an offence against this Regulation as a result of the exemption having ceased to have effect unless it is established that he or she was aware of the variation or revocation of the exemption.
- (7) A person is taken to be aware of the variation or revocation of an exemption if written notice of that fact is served on the person, either personally or by post.
- (8) Subclause (7) does not affect any other means by which a person may be made aware of the variation or revocation of an exemption.

36 Penalty notice offences

For the purposes of section 51 of the Act:

- (a) each offence created by a provision specified in Column 1 of Schedule 1 is declared to be a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in Column 3 of Schedule 1.

37 Short description of offences

- (1) For the purposes of section 145B of the *Justices Act 1902*, the prescribed expression for an offence created by a provision specified in Column 1 of Schedule 1 is:
 - (a) the expression specified in Column 2 of that Schedule, or
 - (b) if a choice of words is indicated in that expression, the words remaining after the omission of the words irrelevant to the offence.
- (2) For the purposes of any proceedings for an offence created by a provision specified in Column 1 of Schedule 1, the prescribed expression for the offence is taken to relate to the offence created by the provision, as the provision was in force when the offence is alleged to have been committed.
- (3) The amendment or repeal of a prescribed expression does not affect the validity of any information, complaint, summons, warrant, notice, order or other document in which the expression is used.
- (4) Subclause (3) applies to any information, complaint, summons, warrant, notice, order or other document (whether issued, given or made before or after the amendment or repeal) that relates to an offence alleged to have been committed before the amendment or repeal.

38 Repeal

- (1) The *Water Supply Authorities (Broken Hill—Water, Sewerage and Trade Waste) Regulation 1992* is repealed.

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Clause 38 Water Supply Authorities (Broken Hill-Water, Sewerage and Trade Waste) Regulation 1997

Part 5 Miscellaneous

- (2) Any act, matter or thing that, immediately before the repeal of the *Water Supply Authorities (Broken Hill-Water, Sewerage and Trade Waste) Regulation 1992*, had effect under that Regulation continues to have effect under this Regulation.

Schedule 1 Penalty notice offences

(Clause 36)

Clause 27 (1) discharge trade waste/noxious substance/cause/allow \$500
discharge of trade waste/noxious substance into
sewerage service/treatment work