

1992—No. 493

**WATER SUPPLY AUTHORITIES ACT 1987—REGULATION**  
(Water Supply Authorities (Broken Hill—Water, Sewerage and Trade Waste)  
Regulation 1992)

NEW SOUTH WALES



*[Published in Gazette No. 105 of 28 August 1992]*

HIS Excellency the Governor, with the advice of the Executive Council, and in pursuance of the Water Supply Authorities Act 1987, has been pleased to make the Regulation set forth hereunder.

G. B. PEACOCKE,  
Acting Minister for Natural Resources.

**PART 1—PRELIMINARY**

**Citation**

1. This Regulation may be cited as the Water Supply Authorities (Broken Hill—Water, Sewerage and Trade Waste) Regulation 1992.

**Commencement**

2. This Regulation commences on 1st September, 1992.

**Definitions**

3. In this Regulation:

“**approved**” means approved by the Board or, in a particular case, by an inspector;

“**Board**” means the Broken Hill Water Board;

“**certificate of compliance**” means a certificate that:

(a) is in a form approved by the Board; and

(b) is to the effect that work to which the certificate relates has been completed in accordance with the Board’s requirements;

**“defect”**, in relation to a water service or sewerage service, includes:

- (a) a construction or use of the service otherwise than in accordance with the Board’s standards; and
- (b) a blockage or leakage in the service;

**“discharge”** includes throw and deposit;

**“fitting”** includes any pipe, apparatus or fixture used for water supply work or sewerage work that, except by connection, does not form part of a work of the Board that is a water main or sewer;

**“inspector”** means a person appointed or employed by the Board to inspect, design, supervise, oversee, pass or approve any work, material, apparatus or fittings as required or authorised by the Act or any regulation made under the Act;

**“land”** means:

- (a) a parcel within the meaning of the Strata Titles 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;

**“Plumbing and Drainage Code of Practice”** means the code of practice published by the Committee on Uniformity of Plumbing and Drainage in New South Wales under the title “New South Wales Code of Practice—Plumbing and Drainage”, as in force on 1 July 1992, a copy of which is deposited in the Sydney office of the Department of Public Works;

**“repair”** includes make good, replace, reconstruct, remove, alter, cleanse and clear;

**“sewerage service”** means:

- (a) a pipe connecting land to a sewer of the Board; and
- (b) the fittings connected to the pipe;

**“sewerage work”** means the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal, ventilation, flushing or cleansing of any sewerage service pipes, house drains or fittings communicating or intended to communicate, directly or indirectly, with any sewer of the Board;

**“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 trade, 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 sewage;

**“water service”** means:

- (a) a pipe connecting land to a water main of the Board; and
- (b) the fittings connected to the pipe;

**“water supply work”** means the construction, alteration, extension, disconnection, removal, maintenance, repair, renewal or clearing of any water service pipes or fittings which communicate or are intended to communicate directly or indirectly to a water main of the Board.

## **PART 2—WATER SUPPLY AND SEWERAGE**

### **Division 1—Water supply and sewerage**

#### **Permits**

**4. (1)** An application for a permit to do water supply or sewerage work, or work in connection with a meter, must be made to the Board in a form approved by the Board at least 2 working days before the applicant intends to carry out the work.

**(2)** A person must not, in or in connection with an application for a permit, make any statement that the person knows to be false or misleading in a material particular.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

**(3)** A person must not do any water supply or sewerage work:

- (a) without being the holder of a permit which authorises the work; or
- (b) in breach of any condition to which the permit is subject.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

**(4)** A person is not in breach of this clause if, in an emergency, the person does any water supply or sewerage work:

- (a) to prevent waste of water; or

- (b) to restore a water supply that has been shut off to prevent waste of water; or
- (c) to free a choked pipe; or
- (d) to prevent damage to property,

and obtains a permit relating to the work as soon as practicable after it is done.

(5) The Board may refuse to grant a permit if:

- (a) the applicant fails within a reasonable time to provide the Board with relevant information required by the Board that has not been supplied in the application; or
- (b) the applicant, within 5 years preceding the making of the application, has been found to have contravened any law relating to plumbing and draining.

(6) The grant of a permit by the Board may be made subject to conditions.

(7) The Board may:

- (a) refuse to grant a permit; or
- (b) suspend or cancel a permit,

if the applicant for, or holder of, the permit has failed to comply with the Act, the regulations made under the Act, a condition of the permit or a direction of an inspector or the Board.

(8) 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 land on which the work authorised by the permit is to be, or is being, done.

### **Damage to works of the Board**

5. A person who, in the course of performing water supply or sewerage work, damages a work or other property of the Board must immediately notify the Board of the damage.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

### **Defective water supply or sewerage work**

6. (1) The holder of a permit must, within a reasonable time after being directed by the Board to do so:

- (a) repair any work which, in an inspector's opinion, has been carried out improperly; and
- (b) rectify to comply with the Plumbing and Drainage Code of Practice any work which, on completion, is found by an inspector not to be up to the standards set by that Code; and
- (c) repair or replace any defective fittings used in any work; and cause any construction or use of a fitting to be brought into compliance with any relevant approval of the Board.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

(2) If a direction is given under subclause (1) before a certificate of compliance is given for the work, the holder of the permit must not proceed with the work until the direction has been complied with.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

(3) Subclause (1) does not apply to work for which a certificate of compliance has been in force for at least 2 years.

### **Special approvals**

7. Before approving the construction or use of a fitting of a particular kind, the Board:

- (a) may require a fitting of that kind to be submitted to the Board for examination and testing; or
- (b) may require:
  - 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
  - manufacture of the fitting under an approved system of quality assurance.

### **Certificate of compliance**

8. (1) A person who does any water supply work or sewerage work must, with 48 hours after completing the work:

- (a) give the Board a certificate of compliance (the form of which is obtained from the Board) duly completed and signed by the person; and

- (b) give a copy of the certificate to the person for whom the work was done.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

(2) A person must not, in a certificate of compliance, make any statement that the person knows to be false or misleading in a material particular.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

(3) The Board must immediately inform the Building Services Corporation of any contravention of this clause.

#### **Attendance by person performing work**

9. A person who has supervised or carried out water supply work or sewerage work must attend the work at such times as an inspector may direct for the purpose of enabling an inspection to be carried out on the work.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

#### **Disconnection of service**

10. (1) A person must not disconnect or render inoperative a water or sewerage service otherwise than:

- (a) in accordance with this Regulation; and
- (b) if the Board so requires, under its supervision.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

(2) The Board may make a charge for its supervision under this clause.

### **Division 2—Water services**

#### **Water service not to be shared**

11. A person must not install, 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: \$5,000 in the case of a corporation and \$500 in any other case.

**Fire services**

**12. (1)** A person must not install or retain a fire service that does not comply with the Plumbing and Drainage Code of Practice.

Maximum penalty: \$5,000 in the case of a corporation and \$500 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: \$5,000 in the case of a corporation and \$500 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.

**Misuse, waste etc. of water**

**13.** A person must not wilfully or negligently:

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

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: \$10,000 in the case of a corporation and \$1,000 in any other case.

**Water to be taken through approved stopcocks**

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

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

Maximum penalty: \$10,000 in the case of a corporation and \$5,000 in any other case.

**Information regarding supply**

**15. (1)** An inspector may direct an owner or occupier of land or premises to furnish to the inspector 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)): \$1,000 in the case of a corporation and \$250 in any other case.

### **Division 3—Sewerage services**

#### **Installation and maintenance of sewerage service by owner**

16. An owner of land connected to a sewer main of the Board:

- (a) must ensure that the installation of the sewerage service and connections from the sewer to the property are in accordance with this Regulation; and
- (b) must keep those works in good order and condition and free from defects.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

#### **Sewerage service not to be shared**

17. A person must not install, 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: \$5,000 in the case of a corporation and \$500 in any other case.

#### **Sewerage service and land boundaries**

18. A person must not install, maintain or use a sewerage service for any land otherwise than:

- (a) where the service remains within the boundaries of the land:
  - until it connects with the Board's sewer; or
  - until it emerges into the street or public place nearest the Board's sewer: or



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(b) in accordance with an approval given by the Board.

Maximum penalty: \$5,000 in the case of a corporation and \$500 in any other case.

**Supply of plans**

**19. (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) and to the Board.

Maximum penalty (subclause (2)): \$1,000 in the case of a corporation and \$250 in any other case.

**Discharge of certain matter**

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

- (a) any rainwater, sub-surface water or stormwater; or
- (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: \$10,000 in the case of a corporation and \$5,000 in any other case.

**Division 4—Meters****Meters**

**21. (1)** Except as provided by the Water Supply Authorities (Finance) Regulation 1987, 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.

**Property in meters etc.**

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

**Access to meters**

**23.** If a meter for any land or premises is so installed or located that it cannot conveniently be read or examined, the owner of the land or premises must cause the meter to be re-positioned in accordance with the directions of the Board.

Maximum penalty: \$1,000 in the case of a corporation and \$250 in any other case.

**Care of meters**

**24. (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: \$1,000 in the case of a corporation and \$250 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).

**Discontinuance of use of meters**

**25.** 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: \$1,000 in the case of a corporation and \$250 in any other case.

**Testing of meters etc.**

**26. (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)** A meter is to be tested by allowing a known quantity of water to pass through it.

**(4)** 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.

(5) 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.

(6) 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.

(7) No adjustment is to be made if a meter registers within 5 per cent of the quantity of water passed through it.

(8) 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.

(9) 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 5—PERMITS FOR DISCHARGE OF TRADE WASTE**

### **Discharge of trade waste without a permit**

27. (1) A person must not, directly or indirectly:

- (a) discharge trade waste into a sewerage service or treatment work of the Board; or
- (b) cause or allow trade waste to be so discharged,

otherwise than in accordance with a permit.

Maximum penalty: \$10,000 in the case of a corporation and \$5,000 in any other case.

(2) If, in contravention of this clause, a person:

- (a) discharges trade waste into a sewerage service or treatment work of the Board; or
- (b) causes or allows trade waste 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.

(3) The direction is to be given by means of a written notice served personally or by post on the person.

(4) If the discharge continues after the time allowed by the direction, the Board may take such steps as are necessary to stop it.

(5) Subclause (4) 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.

(6) The liability of a person to be prosecuted for an offence under subclause (1) is not affected by any action of the Board under this clause.

### **Application for permit**

**28. (1)** A person may apply to the Board for a permit to discharge trade waste into any sewerage service or treatment work of the Board.

(2) The application must be in a form approved by the Board and must include the following particulars:

- the type of trade waste;
- the quality of the trade waste;
- the quantity of the trade waste;
- the rate of discharge of the trade waste;
- any relevant treatment processes;
- any equipment to be used for the treatment, and for monitoring the quality, quantity and rate of discharge, of the trade waste;
- the times at which or period during which there is to be discharge;
- any other particulars required by the Board for the type of application.

### **Issue of permit**

**29. (1)** The Board may issue to a person a permit in writing to discharge trade waste into any sewerage service or treatment work of the Board.

(2) A permit, unless sooner cancelled, remains in force for such period as is specified in the permit.

### **Conditions of permit**

**30. (1)** A permit is subject to such conditions as the Board thinks fit and specifies in the permit.

(2) In particular, a permit may contain conditions relating to any one or more of the following:

- (a) the quantity of trade waste that may be discharged;
- (b) the rate of discharge (including the maximum rate of discharge);

- (c) the type and composition of trade waste that may be discharged;
- (d) the period for which trade waste may be discharged;
- (e) the time when trade waste may be discharged;
- (f) any relevant treatment to be applied to trade waste before it is discharged;
- (g) any equipment to be used for the treatment and the monitoring of the quality, quantity and rate of discharge of trade waste and its location;
- (h) the payments to be made to the Board by the holder of the permit for the benefit of the permit;
- (i) the powers of the Board to enter land or a building for the purpose of:
  - taking samples of trade waste; or
  - preventing the discharge of trade waste; or
  - carrying out or maintaining any work; or
  - ascertaining whether trade waste is present or is being (or has recently been) discharged into a work of the Board;
- (j) the powers of the Board to prevent the discharge of trade waste;
- (k) the resolution of disputes under the permit by submission to arbitration;
- (l) the power of the Board to impose and make known standards in relation to the quality of trade waste to be discharged.

### **Variation of permit**

**31. (1)** The holder of a permit may apply to the Board for a variation of the permit.

**(2)** An application for a variation of a permit:

- (a) must be in writing; and
- (b) must be made at least 14 days before the time at which it is sought to implement the variation; and
- (c) must be accompanied by a statement of particulars setting out the following:
  - any change proposed in the rate of discharge of trade waste;
  - any change proposed in the type of trade waste to be discharged;
  - any change proposed in the equipment to be used for the treatment of trade waste, or for monitoring the quality, quantity and rate of its discharge;

- any other variation sought by the applicant.
- (3) The Board may, if it thinks fit, vary a permit:
- (a) in the manner proposed in an application under this clause; or
  - (b) without any such application,
- by an endorsement on the permit or by written notice served personally or by post on the holder of the permit.

### **Transfer of permit**

32. A permit is not transferable.

### **Cancellation or suspension of permit**

33. (1) The Board may cancel or suspend a permit:
- (a) if the holder has contravened a condition of the permit; or
  - (b) for any other cause which the Board considers sufficient.
- (2) The cancellation or suspension of a permit is to be effected by means of a written notice served personally or by post on the holder of the permit.

### **Discharge of certain matter**

34. Except as authorised by a permit, a person must not, directly or indirectly, discharge or cause or allow to be discharged any of the following into a sewerage service or treatment work of the Board:
- (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 car any solid matter;

- (i) matter which, in the opinion of the Board:
- 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
  - 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.

Maximum penalty: \$10,000 in the case of a corporation and \$5,000 in any other case.

#### **Equipment to be kept in good repair**

**35.** A person who discharges trade waste into a sewerage service or treatment work of the Board pursuant to a permit must, at all times and at the person's own expense, maintain and keep all pipes, equipment and apparatus used for conveyance, measurement, sampling and treatment of trade waste:

- (a) in good repair; and
- (b) in a clean condition (in so far as that is practicable) and in an efficient state; and
- (c) in proper working condition.

Maximum penalty: \$10,000 in the case of a corporation and \$5,000 in any other case.

### **PART 4—MISCELLANEOUS**

#### **Sec. 51: prescribed offences and penalties**

- 36.** For the purposes of section 51 of the Act:
- (a) an offence arising under a provision of this Regulation referred to in the Table to this clause is a prescribed offence; and
  - (b) the amount specified in respect of the provision is the prescribed amount of penalty payable for the offence if dealt with under that section.

## TABLE

Provision of Regulation creating offence	Penalty
Clause 27 (Discharge of trade waste without a permit) .....	\$200
Clause 34 (Discharge of certain matter).....	\$200
Clause 35 (Equipment to be kept in good repair) .....	\$200

**Repeal**

**37. (1)** By-laws Nos. 7, 8, 9 and 11 (made under the Broken Hill Water and Sewerage Act 1938 and deemed to be regulations under the Water Supply Authorities Act 1987) are repealed.

**(2)** Any consent, permission, approval, permit, notice, certificate or direction given under an instrument referred to in subclause (1) is taken to be the corresponding consent, permission, approval, permit, notice, certificate or direction given under this Regulation.

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**EXPLANATORY NOTE**

The objects of this Regulation are to repeal By-laws Nos. 7, 8, 9 and 11 (made under the Broken Hill Water and Sewerage Act 1938 but taken to be regulations under the Water Supply Authorities Act 1987) and to replace them with a new Regulation. The new Regulation, which applies to water, sewerage and drainage services provided by the Broken Hill Water Board, makes provision with respect to:

(a) water supply and sewerage (Part 2), in particular:

- the conduct of water and sewerage work (Division 1); and
- the use of the Board's water services (Division 2); and
- the installation, maintenance and inspection of water meters (Division 3); and

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- (b) permits for the discharge of trade waste (Part 3); and
- (c) other matters of a consequential or ancillary nature (Parts 1 and 4).

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

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