



New South Wales

Hunter Water (General) Regulation 2005

under the

Hunter Water Act 1991

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Hunter Water Act 1991*.

CARL SCULLY, M.P.,
Minister for Utilities

Explanatory note

This Regulation replaces the *Hunter Water (General) Regulation 2000* which is repealed on 1 September 2005 under section 10 (2) of the *Subordinate Legislation Act 1989*.

The new Regulation deals with the following matters:

- (a) the performance of plumbing and drainage work, including the requirement for a permit to do plumbing or drainage work,
- (b) applications for, and the granting of, permits,
- (c) the remedying of defective work,
- (d) the giving of certificates of compliance by persons who have completed plumbing or drainage work,
- (e) the imposition of restrictions on the use of water in the Hunter Water Corporation's area of operations.

This Regulation refers to the *New South Wales Code of Practice Plumbing and Drainage* published by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales, and to Australian Standard SAA MP52: *Manual of Authorisation Procedures for Plumbing and Draining Products* published by Standards Australia.

This Regulation is made under the *Hunter Water Act 1991*, including sections 69 (Work for water supply, sewerage or drainage) and 70 (the general regulation-making power).

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Hunter Water (General) Regulation 2005

under the

Hunter Water Act 1991

Part 1 Preliminary

1 Name of Regulation

This Regulation is the *Hunter Water (General) Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

Note. This Regulation replaces the *Hunter Water (General) Regulation 2000* which is repealed on 1 September 2005 under section 10 (2) of the *Subordinate Legislation Act 1989*.

3 Definitions

(1) In this Regulation:

approved means approved by the Corporation.

certificate of compliance means a certificate of the kind referred to in clause 15.

Corporation means Hunter Water Corporation.

defect in a water, sewerage or stormwater drainage 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 or drainage work.

permit means a permit granted by the Corporation under this Regulation and in force.

Plumbing and Drainage Code of Practice means the *New South Wales Code of Practice Plumbing and Drainage* produced by the Committee on Uniformity of Plumbing and Drainage Regulations in New South Wales (available from the Corporation).

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Part 1 Preliminary

plumbing or drainage work means work comprising or affecting:

- (a) a water supply service pipe or its connection to a water main of the Corporation, or
- (b) a sewerage service pipe or its connection to a sewer main of the Corporation, or
- (c) a stormwater drainage service drain or its connection to a stormwater drain of the Corporation.

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

SAA MP52 means the publication entitled *Manual of Authorisation Procedures for Plumbing and Draining Products*, published by Standards Australia.

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

stormwater drainage service drain means a stormwater drain connecting premises to a stormwater drain of the Corporation, and includes the fittings connected to the drain.

the Act means the *Hunter Water Act 1991*.

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

- (2) Notes included in this Regulation do not form part of this Regulation.

Part 2 Plumbing and drainage work

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

- (1) A person must not do any plumbing or drainage 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 or drainage 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.

5 Corporation required to be notified of plumbing or drainage work

A person who proposes to do plumbing or drainage work must notify the Corporation at least 2 working days before commencing the work.
Maximum penalty: 200 penalty units in the case of a corporation, or 100 penalty units in any other case.

6 Permit required for plumbing or drainage work

- (1) A person must not do plumbing or drainage work unless authorised by a permit 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 under 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 or drainage work done by an employee of the Corporation.

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Part 2 Plumbing and drainage work

7 Application for permit

- (1) An application for a permit:
 - (a) must be made in an approved form, and
 - (b) must be lodged at an office of the Corporation.
- (2) An applicant must pay the fee determined by the Corporation for the issue of a permit.

8 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.

9 Refusal of permits

- (1) The Corporation may refuse to grant a permit to a person who, in its opinion, has previously carried out plumbing or drainage work in contravention of the Act, any regulation under the Act or a direction under the Act or this Regulation.
- (2) The Corporation 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 Corporation from the applicant is outstanding.

10 Conditions of permits

- (1) The Corporation may grant a permit subject to conditions.
- (2) 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.

11 Suspension or cancellation of permit

- (1) The Corporation 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 Corporation 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.

12 Corporation to be notified of damage to its works or other property

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

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

13 Defective plumbing or drainage work

- (1) The Corporation may, by written notice served on a person who is carrying out (or has carried out) plumbing or drainage work, direct the person:
 - (a) to repair, as specified by the Corporation, 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 repair or replace, as specified by the Corporation, a defective fitting used in any of the work done, or
 - (d) to bring into conformity with the Corporation'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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Part 2 Plumbing and drainage work

14 Approval of fittings

- (1) The Corporation may, before it approves a fitting of a particular kind as required under clause 4 (2):
 - (a) require:
 - (i) a fitting of that kind to be submitted to the Corporation for examination and testing, or
 - (ii) submission to the Corporation of a satisfactory result of tests of a fitting of that kind carried out by an approved person or body, and
 - (b) require fittings of that kind to be manufactured under an approved system of quality assurance.
- (2) The Corporation 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.

15 Person to give certificate of compliance after work completed

- (1) A person who does plumbing or drainage work must, within 48 hours after completing the work:
 - (a) give the Corporation 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) A certificate of compliance must be in the approved form (as supplied by the Corporation) and must certify that the plumbing or drainage work to which it relates has been completed in accordance with the Plumbing and Drainage Code of Practice.
- (3) 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.
- (4) This clause does not apply to or in respect of plumbing or drainage work done by an employee of the Corporation.

Part 3 Water restrictions

16 Restrictions on use of water

- (1) If the Minister considers it necessary to do so in the case of drought or accident, or the Minister is for some other reason of the opinion that it is necessary in the public interest and for the purpose of maintaining water supply, the Minister may, by notice, regulate or restrict any one or more of the following:
 - (a) the purposes for which water may be used,
 - (b) the times when water may be used,
 - (c) the quantities of water that may be used,
 - (d) the means or methods of the use of water.
- (2) Any such notice regulating or restricting the use of water:
 - (a) is required to be published in the Gazette or in a newspaper circulating in the area of operations of the Corporation, and
 - (b) may apply to the whole of the area of operations of the Corporation or to such part of that area as is specified in the notice, and
 - (c) takes effect on the date specified in the notice (being a date that is not earlier than the date on which the notice is published), and
 - (d) has effect despite the provisions of any contract relating to the supply of water by the Corporation.
- (3) A person must not use water contrary to a notice under this Part.
Maximum penalty: 50 penalty units in the case of a corporation, 5 penalty units in any other case.

17 Cutting off supply

The Corporation may cut off or restrict the supply of water to any land if the owner, occupier or person requiring a supply of water fails to comply with a notice under this Part regulating or restricting the use of water.

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Part 4 Miscellaneous

Part 4 Miscellaneous

18 Exemption from certain requirements

- (1) The Corporation may exempt a person, 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 or drainage work,
 - (b) the requirement to notify the Corporation before doing plumbing or drainage work,
 - (c) the requirement to complete a certificate of compliance with respect to plumbing or drainage work,
 - (d) the requirement to use only approved fittings for plumbing or drainage work.
- (2) An exemption under subclause (1) (a), (b) or (c) may relate to plumbing or drainage work generally or to any specified kind or kinds of plumbing work.
- (3) An exemption under subclause (1) (d) may relate to fittings generally or to any specified kind or kinds of fitting.
- (4) The Corporation 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 Corporation 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 under 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.

19 Savings provision

Any act, matter or thing that, immediately before the repeal of the *Hunter Water (General) Regulation 2000*, had effect under that Regulation is taken to have effect under this Regulation.

BY AUTHORITY
