

NORTHERN TERRITORY OF AUSTRALIA

WATER SUPPLY AND SEWERAGE ACT

As in force at 1 December 2000

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NORTHERN TERRITORY OF AUSTRALIA

As in force at 1 December 2000

WATER SUPPLY AND SEWERAGE ACT

An Act relating to the provision of sewerage and water services, and associated matters

Part I Preliminary

1 Short title

This Act may be cited as the *Water Supply and Sewerage Act*.

2 Commencement

This Act shall come into operation on a date to be fixed by the Administrator by notice in the *Gazette*.

3 Repeal

Subject to section 77, the Ordinances listed in Schedule 1 are repealed.

4 Application

- (1) Subject to subsection (2), this Act applies to, and in relation to, the sewerage districts and water districts respectively declared or deemed to have been declared under section 10, the sewered areas declared or deemed to have been declared under section 12 and the water supply areas declared under section 13.
- (2) Nothing in subsection (1) shall operate to prevent the Authority from entering into an agreement under section 19 for the supply of water outside a water supply area declared under section 13.
- (3) This Act binds the Crown.

5 *Water Act*

Nothing in this Act shall be construed so as to interfere with the operation of the *Water Act*.

6 Interpretation

(1) In this Act, unless the contrary intention appears:

approved means approved for the purposes of this Act by the Authority.

authorized person means a person appointed as such under section 30.

Board means the Plumbers and Drainers Licensing Board established by the *Plumbers and Drainers Licensing Act*.

Building Board means the Building Board established by the *Building Act*.

charge period means the period in respect of which a charge is made for the supply or making available of a water service or sewerage service.

Code means a Code of Workmanship issued under section 38(1).

construction meter means a meter installed under section 27(1).

domestic sewerage means all faecal matter, urine, household slops and liquid household refuse.

inspector means an inspector appointed under section 42(1).

land includes premises.

licensed person means a person licensed to carry out work of plumbing or draining on his own account under the *Plumbers and Drainers Licensing Act*.

main, in relation to the supply of water, means a main pipe forming part of the Authority's water supply system.

owner means:

- (a) in relation to land other than Crown land, the person entitled to an estate in fee simple in possession or, where the land is the subject of a lease for a period exceeding 5 years, the lessee;
- (b) in relation to land to which the *Unit Titles Act* applies:
 - (i) if the land is common property – the body corporate referred to in section 27 of that Act; or
 - (ii) if the land is a unit – the proprietor of the unit;

- (c) in relation to land vested in:
 - (i) a person on behalf of the Crown; or
 - (ii) a statutory corporation representing the Crown,
that person or statutory corporation;
- (d) in relation to Crown land the subject of a lease, the lessee; or
- (e) in relation to Crown land other than that referred to in paragraph (c) or (d), the Crown.

Power and Water Authority or **Authority** means the Power and Water Authority established under section (4) of the *Power and Water Authority Act* and includes its delegate or agent.

private service means that part of the water piping connected to the water supply which leads from a meter to the fixed point of discharge of the water.

repealed Regulations means the *Sewerage Regulations* made under the Ordinances repealed by section 3 as in force immediately before the commencement of this Act.

service pipe, in relation to a water service, means a pipe leading from a main to a meter.

sewer means a pipe, conduit or underground channel, not being a drain or a soil or waste pipe, which is intended to be used for the conveyance of sewage or trade waste and is the property of the Territory.

sewerage service, in relation to land, means the removal of sewage or trade waste by means of the provision of a connection between a sewer and the boundary of that land.

sewered area means an area within which a sewerage service is available and includes an area declared to be, or deemed to be, a sewered area under section 12.

trade waste means liquid waste other than domestic sewage.

- (2) For the purposes of this Act water is wasted where there is wilful or negligent use resulting in excess irrigation, unnecessary flow or flood without adequate control or supervision.

Part II Supply of sewerage and water services

Division 1 General

9 Supply of services

- (1) Subject to this Part, the Authority may make available to an owner of land in the Territory a sewerage service or water supply service or both such services as it thinks fit.
- (2) No action shall lie against the Authority for failure to make available, or continue to make available, a sewerage service or water supply service.
- (3) Neither the Territory nor the Authority shall be liable for any damage suffered by a person as a result of the discontinuance or interruption of a service made available under subsection (1).

10 Declaration of sewerage districts and water districts

- (1) The Authority may, by notice in the *Gazette*, declare an area in the Territory to be a sewerage district.
- (2) The Authority may, by notice in the *Gazette*, declare an area in the Territory to be a water district.
- (3) Where, immediately before the commencement of this Act, an area was a sewerage district under and for the purposes of the Ordinances repealed by section 3 as in force immediately before the commencement of this Act, that area shall be deemed to have been declared under subsection (1) to be a sewerage district on the commencement of this Act.

11 Notice of operations

- (1) The Authority may, at any time after a period of 14 days has elapsed from the making of a declaration under section 10(1), or, in the case of an area to which section 10(3) applies, at any time, serve a notice on the owner and, where he is not resident on the land, also the occupier, of that land within that sewerage district stating that it is proposed to commence surveying or other operations on that land in connection with the planning, design or construction of a sewer.
- (2) The Authority may, at any time after a period of 14 days has elapsed from the making of a declaration under section 10(2), serve a notice on the owner and, where he is not resident on the land, also the occupier, of that land within that water district stating that it is proposed to commence surveying or other operations on that

land in connection with the planning, design or construction of a water main.

- (3) The Authority or its delegate or person authorized by the delegate in writing may, not less than 14 days after the service of a notice under subsection (1), enter upon the land the subject of the notice with or without employees, machinery, plant and materials, and perform any act necessary or convenient for or incidental to the purpose of surveying, planning, designing or constructing a sewer or works ancillary to that sewer.
- (4) The Authority or its delegate or person authorized by the delegate in writing may, not less than 14 days after the service of a notice under subsection (2), enter upon the land the subject of the notice, with or without employees, machinery, plant and materials, and perform any act necessary or convenient for or incidental to the purpose of surveying, planning, designing or constructing a water main or works ancillary to that water main.
- (5) The owner of land which is entered upon under subsection (3) or (4), and any person occupying that land, shall give all assistance reasonably required by the Authority or its delegate or person authorized by the delegate in providing necessary access for their employees, machinery, plant and materials in or in connection with their carrying out work under this section.
- (6) In carrying out work under this section, the Authority or its delegate or person authorized by the delegate, shall ensure that as little damage as practicable is caused to the land and that, upon completion of the work, the land is restored as nearly as is reasonably practicable to the condition which it was in before commencement of the work.
- (7) Where the owner or occupier of land the subject of a notice under subsection (1) or (2) suffers loss or damage by reason of the negligent exercise, in relation to the land, of the powers conferred by this section, he may claim compensation from the Authority for such loss or damage in respect of the carrying out of the work.
- (8) A person shall not obstruct the Authority or its delegate or person authorized by the delegate in the exercise of their powers conferred by this section.

Penalty: \$4,000.

12 Sewered areas

- (1) Where a sewer has been laid by means of which a sewerage service can be provided to an area in the Territory, the Authority may, by notice in the *Gazette*, declare that area to be a sewered area.
- (2) Where, immediately before the commencement of this Act an area was, by virtue of the repealed Regulations, a sewered area or land to be served by a sewer, that area shall be deemed for the purposes of this Act to be a sewered area and to have been so declared on the commencement of this Act.
- (3) The prescribed charges may, from the date of declaration or deemed declaration of an area as a sewered area, be levied on the owner of land in that area, notwithstanding that his land is not connected to a sewer.

12A Redevelopment in a sewered area

- (1) Where, in the opinion of the Authority, a proposed development or change in the use of land within a sewered area will result in:
 - (a) more residential buildings on the land than previously existed;
 - (b) more residences for separate occupancy on the land than previously existed; or
 - (c) the use of all or any part of the land for non-residential purposes or for a combination of residential and commercial purposes,and, as a consequence, an increased load on the sewerage service made available to the land, the Authority may, by notice in writing to the owner of the parcel, require him or her to pay to the Authority:
 - (d) in a case referred to in paragraphs (a) or (b) – an amount determined by the Minister, by notice in the *Gazette*, for the purposes of this section (and the Minister may make such a determination); and
 - (e) in a case referred to in paragraph (c) – such amount as the Authority thinks reasonable as the owner's contribution to defray the costs of any future upgrading of the service to the land to an adequate standard.
- (2) A notice to an owner of land under subsection (1) shall specify:
 - (a) the amount payable;

- (b) the reason why the payment is required; and
 - (c) the land in relation to which it is required.
- (3) An amount required under subsection (1) to be paid to the Authority is due and payable on receipt of the notice by the owner of the land.

13 Water supply areas

- (1) Where a water supply system has been laid by means of which a water supply can be provided to an area in the Territory, the Authority may, by notice in the *Gazette*, declare that area to be a water supply area.

13A Water supply extension areas

- (1) The Minister may, by notice in the *Gazette*:
- (a) declare an area of land within a water district but not within a water supply area to be a water supply extension area; and
 - (b) declare the charges payable under this section in relation to land within the water supply extension area.
- (2) A notice under subsection (1) may specify different charges in respect of different parts of a water supply extension area depending on their proximity to a water supply area.
- (3) Where a water supply extension area is declared under subsection (1), an owner of land within the area shall pay to the Authority in relation to the land:
- (a) the amount payable by him or her under any agreement under section 19 in relation to the land; or
 - (b) where no such agreement has been made in respect of the land – the amount determined by the Minister in the notice under subsection (1) or by a subsequent notice in the *Gazette* in relation to land so situated.
- (4) An amount required by this section to be paid is payable, subject to any agreement as to terms for payment or otherwise:
- (a) on application for the supply of a water service for use on the land; or

- (b) subject to subsections (5) and (7), where no application for the supply of a water service to the land is made:
 - (i) immediately before the first transfer of the land to another person after the declaration of the water supply extension area; or
 - (ii) immediately before the next transfer of the land after an exemption under subsection (5) ceases to have effect,

despite that the owner or the person to whom the land is to be transferred does not elect to have water supplied by the Authority to the land.

- (5) The Minister may, by notice in the *Gazette*, declare a transfer of land to be exempt from the payment of a charge under this section and the owner of the land is accordingly not liable to make such a payment while the exemption remains in force.
- (6) The balance from time to time outstanding of the charge payable under this section is an overriding statutory charge, within the meaning of the *Land Title Act*, on the land to which it relates.
- (7) An owner of land who is liable to pay an amount under subsection (3) is not entitled to transfer the land to another person unless the owner has paid to the Authority so much of the amount that is outstanding at the date of the transfer.
- (8) For the purpose of calculating the amount outstanding at the date of the transfer, any amount payable under the agreement or notice referred to in subsection (3) is to be taken to be due and payable immediately before that date, notwithstanding that but for this section it would not be due and payable until a later date.

13B Redevelopment in a water supply area

- (1) Where, in the opinion of the Authority, a proposed development or change in the use of land within a water supply area will result in an increased load on the water service made available to the land, the Authority may, by notice in writing to the owner of the land, require the owner to pay to the Authority the amount determined by the Minister for the purposes of this section by notice in the *Gazette*, and the Minister may make such a determination.
- (2) A notice to an owner of land under subsection (1) shall specify:
 - (a) the amount payable;
 - (b) the reason why the payment is required; and

- (c) the land in relation to which it is required.
- (3) An amount required under subsection (1) to be paid to the Authority is due and payable on receipt of the notice by the owner of the land.

14 Water restrictions

- (1) The Minister may, in respect of the whole or a specified part of the Territory, regulate or restrict, in such manner and for such period as he specifies in the notice, the consumption of water by issuing a notice which shall be broadcast from at least one radio station serving the area affected.
- (2) A notice issued and broadcast under subsection (1) shall specify:
 - (a) the period during which;
 - (b) the manner in which; and
 - (c) the purposes in respect of which,the use of water is to be restricted or regulated.
- (3) A person shall comply with and not contravene a notice issued and broadcast under this section.

Penalty: \$1,000.
- (4) In any proceedings for an offence against subsection (3), a certificate, signed by the person who was at the time of the broadcast in charge of the radio station from which it was made, stating that the broadcast:
 - (a) was made at the time or times specified; and
 - (b) included a statement that the restrictions specified were to be observed during the periods and in the areas specified,in the certificate is evidence of the broadcast of the matters so certified.

Division 2 Connection of service

15 Application for sewerage service

- (1) The owner of land within a seweraged area or his agent may apply to the Authority for a sewerage service to that land.

- (2) An application under subsection (1) shall:
 - (a) be in the approved form;
 - (b) be accompanied by the prescribed fee;
 - (c) give the name and postal address of the owner of the land or his agent;
 - (d) accurately describe the location of the land to which the service is to be made available;
 - (e) indicate the date upon which the service is required; and
 - (f) be signed by the applicant.
- (3) The owner of the land referred to in subsection (1) shall bear the cost of connecting a sewerage service to the land.

16 Application for service pipe

- (1) The owner of land within a water supply area or his agent may apply to the Authority for the installation of a service pipe to supply water to his land.
- (2) An application under subsection (1) shall:
 - (a) be in the approved form;
 - (b) be accompanied by the prescribed fee;
 - (c) give the name and postal address of the owner of the land or his agent;
 - (d) accurately describe the location of the land to be connected to the water supply system;
 - (e) indicate the date upon which the service is required; and
 - (f) be signed by the applicant.
- (3) Where an application is made for the installation of a service pipe to supply water to land on which are erected or are to be erected premises other than a single dwelling the application shall be accompanied by:
 - (a) a plan of the premises showing:
 - (i) floor levels and elevations;
 - (ii) type and position of fixtures and fire outlets;

- (iii) where it is proposed to install a hose reel, hydrant or a sprinkler system for fire fighting purposes – the approval of the Chief Fire Officer appointed under the *Fire Brigades Act*; and
 - (iv) where it is proposed to erect premises in an area to which the *Building Act* applies – the approval of the Building Board; and
- (b) a statement as to the estimated rate of consumption of water.
- (4) Where it is necessary to provide a new service pipe or a service pipe that is upgraded in size in order to give a water supply to the applicant under this section, the provision of that service pipe shall be at the expense of the applicant.
- (5) Notwithstanding subsection (4), a new or upgraded service pipe:
 - (a) shall be of such size as the Authority determines; and
 - (b) shall, from the date that water is first supplied to the land through a meter installed in accordance with section 26, become the property of, and be maintained by, the Authority.
- (6) In this section **single dwelling** means a dwelling constructed in accordance with the *Building Regulations* in an area zoned R1, or the equivalent of such a zoning, under the *Planning Act*.

17 Application for water service

- (1) The owner of land to which a service pipe has been installed may apply to the Authority for the supply of a water service for use on the land.
- (2) An application under subsection (1) shall:
 - (a) be in the approved form;
 - (b) be accompanied by the prescribed fee;
 - (c) give the name and address of the applicant; and
 - (d) be signed by the applicant or his agent.
- (3) Where:
 - (a) an application is not made in accordance with subsection (2);
 - (b) a service has been disconnected or restricted in accordance with section 23;

(c) the requirements specified in section 25 have not been complied with; or

(d) for any reason he thinks proper,

the Authority may refuse to supply the applicant with a water service.

18 Conversion from bore to water supply

(1) Where there is a plumbing installation connected to a bore on land situated in an area declared to be a water supply area under section 13, the owner of the land may make application in accordance with section 16 for connection to the Authority's water supply instead of the bore.

(2) On receipt of an application under subsection (1), the Authority, following an inspection of the installation, which shall not, where the installation complies with the Act and a Code, be subject to an inspection fee, may:

(a) approve the connection to the water supply; or

(b) refuse to connect the installation on the grounds of non-compliance with the Act or a Code.

(3) Where, following an inspection under subsection (2), an inspector has issued a certificate under section 45(4) listing defects in the work, the owner shall, if he still wishes to connect his installation to the Authority's water supply, have the defects remedied by a licensed person who shall, before any part of the work is connected to the Authority's water supply, give notice of completion under section 41.

(4) On receipt of the notice under subsection (3) and on payment of the prescribed fee, the Authority shall arrange for the work to be inspected and:

(a) subject to the remedy of the defects referred to in subsection (3) and no further defects being apparent; and

(b) subject to compliance, where directed, with subsection (5),

the Authority shall approve the application under subsection (1).

(5) The Authority may, if he thinks fit, direct that the installation and the main in the vicinity of the point of connection shall be chlorinated before use, and the cost of such chlorination shall be borne by the owner of the land.

19 Water supply agreements

- (1) The Authority may, upon application being made to him in the approved form accompanied by the prescribed fee, enter into an agreement to supply water to a person whether or not:
 - (a) the point of supply is within a water supply area; or
 - (b) the person to whom water is to be supplied is an owner of land.
- (2) An agreement for the supply of water under this section may provide for the supply on terms and conditions other than those contained in this Act.
- (3) The supply of water under this section shall be subject to the terms and conditions of the agreement.

19A Sewerage service agreements

- (1) The Authority may, upon application being made to the Authority in the approved form accompanied by the prescribed fee, enter into an agreement to make available a sewerage service to a person whether or not:
 - (a) the point at which the service is made available is within a sewered area; or
 - (b) the person to whom the service is made available is an owner of land.
- (2) An agreement to make available a sewerage service under this section may provide for the service to be made available on terms and conditions other than those contained in this Act.
- (3) The availability of a sewerage service under this section is subject to the terms and conditions of the agreement.

20 Extension of main

- (1) The Authority may enter into an arrangement with the owner of land to extend a water supply main to that land at the expense of the owner.
- (2) An extension referred to in subsection (1) shall be constructed in accordance with specifications determined by the Authority.
- (3) A main constructed under this section shall, upon completion, become the property of, and be maintained by, the Authority.

21 Direction to connect to sewer

- (1) Where water is supplied under this Act to land in a water supply area, the Authority may, by instrument in writing, direct the owner of the land to make a connection, within the time specified in the instrument, from his land to a sewer, and the owner shall comply with the direction within that time.

Penalty: \$2,000.

- (2) Where the owner on whom an instrument referred to in subsection (1) has been served fails to comply with a direction within the specified time, the Authority may authorize a person to enter, with or without employees, contractors, vehicles, plant, equipment or materials, on the land and comply with the direction.
- (3) Where the Authority has authorized a person under subsection (2) to comply with a direction under subsection (1), the costs incurred by the Authority in effecting the compliance may be recovered from the owner of the land as a debt due and payable to the Authority.

22 Cross connections to be disconnected

- (1) Where an authorized person discovers a cross connection between the Authority's water supply system and another water supply, he shall forthwith cause the service pipe to be disconnected from the Authority's water supply system and cause the cross connection to be removed and the main in the vicinity to be disinfected.
- (2) The cost of removing the cross connection and disinfecting the main under subsection (1) may be recovered from the owner of the land upon which the cross connection was discovered as a debt due and payable to the Authority.

23 Disconnection or restriction of water supply

- (1) In this section, **restrict** means to restrict by means of the insertion of a restricting device into the meter installation.
- (2) The Authority may disconnect or restrict, or cause to be disconnected or restricted, the water supply to land, either temporarily or permanently:
 - (a) where the private service or an installation, having been connected after the commencement of this Act, contravenes or fails to comply with a Code;

- (b) where a connection made in accordance with regulations made under an Ordinance repealed by this Act could, in the opinion of the Authority, cause contamination of the Authority's water supply system or is otherwise in need of modification or repair;
 - (d) where a person on the land obstructs an authorized person lawfully on the land in the exercise of his powers under this Act;
 - (e) where a person on the land has contravened or failed to comply with a notice under section 14; or
 - (f) where the land to which the supply is connected, being residential land, no longer has erected on it a habitable dwelling, unless the owner of that land requests in writing that the supply to the land be continued.
- (3) The Authority shall not disconnect or restrict the water supply to land, except in the circumstances described in subsection (2)(d), (2)(e) or (5) or section 22, unless it has first given to the owner and occupier of the land not less than 7 days notice in writing:
- (a) stating that it proposes to disconnect or restrict the water supply to the land; and
 - (b) specifying the reasons for the proposed action and the steps that the owner or occupier may take to avert such action.
- (4) The disconnection or restriction of the water supply to the land shall not relieve the owner of his liability to pay any moneys due and payable under this Act by him to the Territory at the time that the water supply was disconnected or restricted.
- (5) The Authority may disconnect the water supply to any land without giving notice under subsection (3) where a fault in the private service may cause damage to the Authority's water supply system.

24 Disconnection on request

- (1) The owner of land to which a sewerage service or water supply is made available may apply in writing to the Authority, either personally or through an agent, for the service or supply to be disconnected.
- (2) No fee or charge shall be made for the disconnection under subsection (1) of a sewerage service or water supply.

25 Re-connection

- (1) An owner of land or his agent may apply to the Authority to have the water supply to that land re-connected.
- (2) An application for the re-connection of a water supply shall be in the approved form accompanied by the prescribed fee.
- (3) Where a water supply has been disconnected or restricted as a result of:
 - (b) obstruction by a person on the land of an authorized person lawfully on the land in the exercise of his powers under this Act;
 - (c) contravention of, or failure to comply with, a notice under section 14 by a person on the land;
 - (d) the failure of the installation or private service to comply with the requirements of the Act or a Code;
 - (e) the need for repairs to the installation or private service; or
 - (f) a breach of section 52,re-connection shall not be made until:
 - (h) where a disconnection was made under section 23(2)(d), the owner or occupier has given an undertaking in writing that no further obstruction will be made to an authorized person lawfully on the land in the exercise of his powers under this Act;
 - (j) where a disconnection was made under section 23(2)(e):
 - (i) the owner or the occupier of the land has given an undertaking in writing that the relevant notice under section 14 will be complied with; or
 - (ii) the notice under section 14 has been withdrawn;
 - (k) the installation or private service has been inspected and certified under Division 1 of Part III to be in compliance with the Act and a Code;
 - (m) the private service has been repaired in accordance with the requirements of the notice under section 23(3); or

- (n) the breach of section 52 has been remedied by removal of the cross connection and disinfecting the main and the cost incurred has either been paid or arrangements to the satisfaction of the Authority have been made for its payment,

as the case requires.

Division 3 Metering of water supplies

26 Meters

- (1) The Authority may, for the purpose of measuring the amount of water supplied, install a meter on the land to which the water supply is made available or in any other location, as it thinks fit.
- (2) A meter is and remains the property of the Territory and the owner of the land to which the water supply is made available through a meter may be required to reimburse to the Territory the cost or expense incurred in repairing or replacing it.
- (3) A meter shall not be installed under subsection (1) unless it has been first tested by the Director and found to be accurate within the prescribed tolerance.
- (4) The Authority shall cause a record to be kept of each meter, which shall include each date upon which it has been tested and the result of each test.
- (5) The owner of land to which water is supplied may, on payment of the prescribed fee, apply in writing to the Authority for the meter through which the water is supplied to the land to be tested.
- (6) If the test carried out in response to an application under subsection (5) indicates that the meter is registering outside the prescribed tolerance in such manner that the owner of the land has been or would be charged for a greater quantity of water than that supplied to the land, the amount of the fee referred to in subsection (5) shall be refunded to him.
- (7) The Authority or an authorized person may, at any time, remove or replace a meter.

27 Construction meter

- (1) Subject to subsection (2), the Authority may, upon application in the approved form by a person engaged in or proposing to become engaged in the construction of a building, cause to be installed on or near the site or proposed site of the building a meter for measuring the water used in the construction of the building.

- (2) An application under subsection (1) shall be accompanied by the deposit of an amount not less than the cost, as estimated by the Authority, of the meter and associated fittings.
- (3) A meter installed under subsection (1) may be mounted on a vehicle or other mobile equipment and shall, upon demand by the Authority, be made available for a reading to be taken.
- (4) Section 26(2) to (7) inclusive applies to and in relation to a meter installed under subsection (1).
- (5) Notwithstanding section 33, charges made for the supply of water through a meter installed under subsection (1) shall be:
 - (a) levied solely on the quantity of water supplied;
 - (b) calculated at the rate prescribed in respect of such meters; and
 - (c) payable by the applicant to the Authority on demand.

29 Access to meter

- (1) The owner of land is responsible for ensuring that the meter through which water is supplied to the land remains accessible to an inspector or authorized person.
- (2) Without limiting the generality of subsection (1), for the purposes of this section, a meter is not accessible where:
 - (a) it is overgrown by plants, shrubs or other vegetation;
 - (b) it has been enclosed by a box;
 - (c) it has been built in or over as the result of the erection of a fence, room, verandah, shed or other structure; or
 - (d) where an apparently aggressive animal is loose on the land.
- (3) Where an inspector or authorized person is unable, on making a visit to read, inspect or repair a meter, to gain access to it, he shall notify the owner accordingly and require him to:
 - (a) remove the obstruction preventing access to the meter; or
 - (b) specify a time during normal working hours when access to the meter will be given,

and the owner shall, in respect of the second or subsequent visit by the inspector or authorized person to read, inspect or repair the meter, as the case may be, pay the charge or charges applicable to a reading referred to in section 28(1)(b).

- (4) If access to a meter is not given within the period during which annual readings are made, the Authority may assess in accordance with this Act the amount of water supplied through that meter.

30 Authorized persons

- (1) The Authority may appoint a person to be an authorized person for the purpose of performing the duties that, under this Act, are to be performed by authorized persons, as specified in the instrument of appointment.

- (2) An authorized person may, at all reasonable times, enter land in a water supply area where he has reason to believe that a meter is located or proposed to be located, and may examine the meter and, if necessary, the land, in order to ascertain:

- (a) the quantity of water supplied to that land;
- (b) whether the supply is being used in accordance with this Act and a Code; and
- (c) whether the meter and the private service are installed and maintained in accordance with this Act and a Code,

and may:

- (d) take such steps as appear to him to be necessary to abate the waste of water;
 - (e) if so instructed by the Authority in accordance with section 23, disconnect or restrict the water supply;
 - (f) test, install, repair, remove or replace a meter; or
 - (g) carry out maintenance to, or minor repairs on, a meter.
- (3) An authorized person may, at all reasonable times, enter on any land in a sewered area where a sewer or a drain referred to in section 73 is located and may examine the sewer or drain and:
- (a) clear a blockage in, or repair, a sewer or drain;
 - (b) enter a sewer through a manhole on the land;

- (c) carry out an excavation to gain access to the sewer or drain;
or
 - (d) cut a junction in the sewer or drain for the purpose of making a connection to the sewer or drain.
- (4) For the purposes of subsections (2) and (3) the authorized person may be accompanied by contractors, agents, tradesmen and assistants and take with him such plant, machinery, equipment and materials as are necessary for him to carry out the required work.
- (5) The Authority shall issue to an authorized person an identification card bearing the authorized person's photograph.
- (6) An authorized person shall, on request, show his identification card to the owner or occupier of land which he has entered or seeks to enter.

31 Power to seize objects

- (1) An inspector or authorized person who discovers on land an object being used, or which he considers to be installed or connected in such a manner that it could be used, to facilitate the unauthorized use of water, may seize that object or a part thereof, and deliver it to the Authority for safe keeping.
- (2) Subject to section 70, the Authority shall cause an object delivered to it under subsection (1) to be kept in safe keeping and may make it available as evidence in proceedings for an offence against section 63.

32 Power to assess consumption

- (1) Where:
- (a) a meter has been shown to be inaccurate and to be registering in excess of the prescribed tolerance;
 - (b) water which had already passed through the meter has been lost due to a leakage in the Authority – owned part of the service;
 - (c) a meter is or has been faulty, damaged or destroyed, stolen or otherwise unlawfully removed;
 - (d) a dispute has arisen between the owner of land and the Authority as to the quantity of water supplied through a meter;
 - (e) water has been supplied otherwise than through a meter; or

(f) access to the meter could not be gained,

the Authority may assess the quantity of water supplied to the relevant land in accordance with a determination referred to in section 15(2)(c) of the *Power and Water Authority Act*.

(5) Where, in the opinion of the Authority, an owner has no reason to expect an assessment to be made under this section, the Authority shall give the owner at least 14 days notice of its intention to make such an assessment, and state the reason why the assessment is to be made.

Division 4 Charges

33 Charges for supply

(1) Charges for a sewerage service are payable:

- (a) by the owner of the land in respect of which the service is made available; or
- (b) where an agreement has been entered into under section 47 – by the person named in the agreement,

and, subject to section 47, are as prescribed by the Regulations or determined by the Minister.

(2) Subject to section 19, charges for the supply of water to land in a water supply area are payable by the owner of the land and are as prescribed by the Regulations or determined by the Minister.

(2A) Subject to section 19A, charges for making available a sewerage service to land in a sewered area are payable by the owner of the land and are as prescribed by the Regulations or determined by the Minister.

(3) The Minister may, for the purposes of subsection (1), (2) or (2A), by notice in the *Gazette*, determine the charges for a sewerage service made available to land or the subject of an agreement under section 47, or for the supply of water.

(7) The Regulations (or a determination under subsection (3) to the extent necessary to identify the particular person or land to whom or which a particular charge applies) may prescribe:

- (a) that charges for a sewerage service be a fixed amount or be based on a combination of a fixed amount and a charge in respect of each of the sanitary fittings exceeding the number, if any, included in the fixed amount on the land to which the sewerage service is made available;

- (b) that charges for the supply of water be a fixed amount, or be based on:
 - (i) the quantity of water supplied; or
 - (ii) a combination of a fixed amount and a charge for the quantity of water supplied;
 - (c) different charges according to the use to which the land in respect of which a sewerage service or water supply is made available is put;
 - (d) different charges for a sewerage service or a water supply in respect of different sewered areas or water supply areas;
 - (da) different charges for different owners or classes of owners to whose land a sewerage service is made available or water is supplied or different users or classes of users of a water supply;
 - (e) subject to section 32, the method of assessing consumption of water;
 - (f) the manner in which accounts shall be submitted and paid;
 - (g) the method of adjustment of charges raised and accrued between the outgoing and the incoming owner where the owner of land to which a sewerage service or a water supply is made available changes during a charge period;
 - (h) the raising and method of calculation of pro rata sewerage charges where a service first becomes available;
 - (j) charge periods either generally or in a particular case or class of cases; and
 - (k) the form and manner of supplying a statement certifying the amount remaining unpaid of any charges, fees or debts incurred in respect of a sewerage service or water supply to any land, together with penalty charges, if any, lawfully accruing.
- (8) The amount specified in a statement under subsection (7)(k) is final.
- (10) Where a charge, fee or debt for or in relation to a sewerage service made available or water supply to land has not been paid to the Authority within the time required by or under this or any other Act for its payment, the Authority may take proceedings against the owner of the land for the recovery of the charge, fee or debt

(including any such charge, fee or debt incurred by a previous owner) as a debt due and payable to the Authority.

- (11) Without limiting the Authority's power under subsection (10), a charge, fee or other amount due and payable under this Act to the Authority in respect of the sewerage service or water supply to land is an overriding statutory charge, within the meaning of the *Land Title Act*, on the land.

34 Adjustment of charges

Where a meter has been tested in response to a request under section 26(5) and has been found to be registering outside the prescribed tolerance, the additional charges, if any, that are payable shall be adjusted as follows:

- (a) where the meter has registered a quantity less than the actual quantity supplied – no additional charge shall be made; or
- (b) where the meter has registered a quantity greater than the actual quantity supplied – a proportional refund shall be made of the amount overpaid in respect of the period between the date on which the fault was discovered and the commencement of the financial year.

35 Remission of, or exemption from, charges

- (1) The Authority may remit or postpone the payment of the whole or part of a fee or charge, including a penalty under section 33(9), recoverable under this Act.
- (2) The Authority may by instrument in writing exempt a person included in a prescribed class of persons from a fee or charge payable under this Act, or may reduce the fee or charge payable by that person for such period as is specified in the instrument.

36 Disputed consumption

- (1) An owner of land who disputes the quantity of water shown as having been supplied to land in an account given to him may, within 28 days after receiving the account, notify the Authority, in writing, that he disputes the account.
- (2) An account may not be challenged in a court on the grounds that the quantity of water shown in it as having been supplied to land during a specified period was not so supplied, unless the owner of the land has, in accordance with subsection (1), notified the Authority that the owner disputes the account.

Part III Plumbing and drainage work

Division 1 Permits and notices

37 Definition

In this Division, ***maintenance work*** means, subject to section 54, any work of repairing or replacing an existing plumbing or drainage installation, which work does not involve:

- (a) a deviation from the approved drainage plan for that installation; or
- (b) an alteration in the type of materials used in that installation.

38 Work to be of required standard

- (1) The Authority may issue Codes of Workmanship in respect of plumbing and drainage work, and such Codes may by reference incorporate standards and specifications issued by the Australian Standards Association, British Standards Association or the International Standards Organization.
- (2) A Code shall take effect by notice in the *Gazette*:
 - (a) stating that the Code has been issued; and
 - (b) indicating the place or places where copies are available for purchase by members of the public.
- (3) All plumbing and drainage work carried out, whether for reward or not, in an area to which this Act applies shall, subject to section 54, be in accordance with the appropriate Code.

39 Permit to carry out work

- (1) Before carrying out plumbing or drainage work other than maintenance work, the owner of the land on which the work is to be carried out, his agent or the licensed person who is to carry out the work shall, subject to section 54, apply to the Authority for a permit to carry out the work.
- (2) An application made under subsection (1) shall be in the approved form and, subject to section 46, shall be accompanied by the prescribed fee, and:
 - (a) a plan showing the plumbing or drainage work to be carried out; or

- (b) a request that a suitable plan be drawn up by the Authority, together with the fee prescribed for the drawing up of such plan,

and where the land on which the plumbing or drainage work is to be carried out is in an area to which the *Building Act* applies:

- (c) a building plan approved by the Building Board.
- (3) A plan submitted under subsection (2)(a) shall include such details as are prescribed and the Authority may return any plan which does not include the prescribed details, in order that such plan may be re-submitted with those details included.
 - (4) The Authority may:
 - (a) approve, with or without amendment; or
 - (b) reject,a plan submitted under this section.
 - (5) Upon approval of a plan submitted under this section, the Authority shall grant a permit, on which shall be set out amendments, if any, which the Authority has made to the plan.
 - (6) A plan drawn up by the Authority in response to a request made under subsection (2)(b) shall remain the property of the Authority.
 - (7) The Authority may issue an approved drainage plan for plumbing and drainage work to be carried out on premises in anticipation of the construction of a sewer to serve those premises.

40 Commence work notice

- (1) Subject to subsection (2), where a person granted a permit under section 39(5) to do so proposes to:
 - (a) commence a new plumbing or drainage installation; or
 - (b) make an addition to an existing plumbing or drainage installation,

he shall, subject to section 54, submit to the Authority a notice in the approved form, stating that he proposes to commence the work specified in the notice, which shall be in accordance with the approved drainage plan.

- (2) A licensed person may:
 - (a) carry out maintenance work;

- (b) clear an obstruction in a plumbing or drainage installation; or
- (c) carry out repairs to a plumbing or drainage installation where those repairs do not entail:
 - (i) a deviation from the approved drainage plan for the installation; or
 - (ii) the use of materials other than those approved for the installation in the approved drainage plan,

without submitting a notice under subsection (1).

41 Notice of completion of work

- (1) A licensed person who is about to complete plumbing or drainage work, whether in accordance with a permit or under section 40(2), shall, subject to section 54, give not less than 3 working days notice to the Authority that the work is ready for inspection.
- (2) Notice under subsection (1) shall:
 - (a) be in the approved form; and
 - (b) specify the licence number of the licensed person carrying out the work.
- (3) On receipt of a notice given under subsection (1), the Authority:
 - (a) shall, if the notice relates to work:
 - (i) to which section 40(1) applies; or
 - (ii) referred to in section 40(2) which necessitated excavation; or
 - (b) may, if the notice relates to work referred to in section 40(2) which did not necessitate excavation,arrange for the work to be inspected as soon as is practicable.
- (4) A licensed person who has given notice under subsection (1) shall ensure that the completed work remains uncovered and conveniently accessible for examination or testing until such time as the work has been inspected.
- (5) Where it appears to an inspector that a trench is not properly shored, he may refuse to inspect the work until the trench has been inspected and approved by a work health officer appointed under the *Work Health Act*.

Division 2 Inspection

42 Appointment of inspectors

- (1) The Authority may appoint such plumbing and drainage inspectors as it thinks fit.
- (2) The Authority shall not appoint a person to be an inspector unless it is satisfied that the person holds or is eligible to hold an advanced tradesman's licence as a plumber and drainer under the Plumbers and *Drainers Licensing Act* and has had not less than 5 years experience in the industry as an advanced tradesman.
- (3) An inspector appointed under subsection (1) shall be issued by the Authority with an identification card bearing a photograph of the inspector which he shall, on request, produce to the occupier of land that he has entered or seeks to enter.

43 Powers and duties of inspectors

- (1) An inspector may at any reasonable time enter land to which this Act applies, to ascertain whether this Act or a Code is being complied with.
- (2) Without limiting the generality of subsection (1), an inspector may, at any reasonable time, enter land to:
 - (a) inspect and test plumbing and drainage installations or connections;
 - (b) inspect and test a material used or intended to be used in plumbing or drainage work;
 - (c) install, remove or replace a meter;
 - (d) ascertain the quantity of water consumed;
 - (e) investigate the condition of a meter;
 - (f) test a meter for accuracy or perform minor maintenance on a meter; or
 - (g) where it appears to him that water is being wasted, take such steps as are necessary to abate the waste.

- (3) Where it appears to an inspector that an offence against this Act or a breach of a Code exists or is likely to exist, he may:
 - (a) direct a person working on the installation, maintenance or repair of a private service to cease work forthwith and, if the person so directed is not the licensed person responsible for the work, notify the licensed person of the direction he has given; or
 - (b) disconnect the service whether or not a person is working on it.
- (4) If requested to do so by the Board, an inspector shall report to the Board on the quality of workmanship of a plumber or drainer.
- (5) An inspector may, of his own volition, report to the Board on the quality of workmanship of a plumber or drainer, if he considers that such action is warranted.

44 Inspection of materials

- (1) All pipes, fittings, fixtures, apparatus and other materials to be used in plumbing and drainage work:
 - (a) shall comply with the standards contained in the appropriate Code issued under section 38(1); and
 - (b) shall have been tested and approved by the responsible authority in the State or Territory of Australia from which they were brought into the Territory.
- (2) The Authority may:
 - (a) inspect and test pipes, fittings, fixtures, apparatus or other materials used in plumbing and drainage work and may reject any thing so tested; or
 - (b) require a pipe, fitting, fixture, apparatus or other material used in plumbing and drainage work to be tested by another competent authority,and may:
 - (c) prohibit, either generally by notice in the *Gazette* or, in a particular case, by notice in writing addressed to the user or intended user, the use of a pipe, fitting, fixture, apparatus or other material in those parts of the Territory to which this Act applies, notwithstanding that the pipe, fitting, fixture, apparatus or other material complies with the applicable specification of the Australian Standards Association in a Code, and that it

has been approved by an authority as referred to in subsection (1)(b).

- (3) The Authority may direct either generally by notice in the *Gazette* or, in a particular case, by notice in writing directed to the plumber or drainer concerned, which materials shall be used for the installation or repair of water or sewerage installations, including sewers.

45 Inspection of work

- (1) Subject to section 54, where, under section 41(3), the Authority arranges for the inspection of plumbing or drainage work, an inspector shall examine and test that work.
- (2) Where an appointment is made for an inspector to inspect plumbing or drainage work, the licensed person who gave notice under section 41(1) shall be present at the time fixed for the inspection at the place where the work has been carried out and, in the event of his not being present at that time:
 - (a) the inspector may decline to carry out the inspection; and
 - (b) the Authority may require, in respect of the attendance by the inspector, payment by that licensed person of the prescribed fee for an inspection.
- (3) The inspector may, if he thinks fit, require the licensed person who gave the notice under section 41(1) or his employee:
 - (a) to remove any material which covers or obstructs the work to be inspected; or
 - (b) to give any assistance that the inspector reasonably requires in testing and inspecting the work.
- (4) An inspector may pass or reject work submitted to him for inspection, and shall issue an inspection certificate marked accordingly.
- (5) Where the inspector rejects the work or a stage of the work submitted to him for inspection, he shall note the defects in the work on the inspection certificate.
- (6) A licensed person who receives an inspection certificate which includes a note of defective work shall remedy the defects and shall, before any part of the work is taken into use, give a further notice to the Authority in the manner required by section 41(1).

- (7) The fee for an inspection under this section:
 - (a) shall be as prescribed; and
 - (b) is payable by the licensed person who gave the notice under section 41(1).

46 Payment of fees under this Part

- (1) The prescribed fees for:
 - (a) an application under section 39(2) for a permit to carry out work;
 - (b) the preparation by the Authority of a plan under section 39(2)(b); and
 - (c) an inspection under section 45,may be paid together in such manner as is prescribed.
- (2) The Regulations may provide for the refund of a prescribed fee in the prescribed circumstances.

Part IV Trade waste

47 Trade waste

- (1) The Authority may, by notice in the *Gazette*, determine that a trade is a trade in respect of which a trade waste agreement shall be entered into in respect of the discharge of trade waste by a person who uses premises for, or in connection with, that trade.
- (2) A person shall not, after the expiration of 3 months after a determination under subsection (1) has been made in respect of a trade, discharge into a sewer from land used for or in connection with that trade, trade waste otherwise than in accordance with the terms of a trade waste agreement made under this section.

Penalty: \$5,000.

- (3) A person who uses or proposes to use premises for or in connection with a trade the subject of a determination under subsection (1) may submit a request, accompanied by the prescribed fee, to the Authority to enter into a trade waste agreement, and shall in his request specify:
 - (a) the premises from which it is proposed to discharge trade waste;

- (b) each process of manufacture from which trade waste emanates;
 - (c) an approximate chemical analysis of each trade waste and its temperature at the time of its proposed discharge into the sewer;
 - (d) the estimated maximum daily discharge of trade waste from the premises; and
 - (e) the hours of the day during which discharge of trade waste is expected to take place.
- (4) The Authority may, after consideration of a request submitted under subsection (3), enter into a trade waste agreement with the person making the request and may, in the agreement, impose all or any of the following conditions:
- (a) the trade waste be cooled to a specified temperature before discharge;
 - (b) the trade waste be treated to a specified standard before discharge;
 - (c) the trade waste be intercepted and stored, in order that it may be released into the sewer at specified times or in specified quantities;
 - (d) a specified substance be not released into the sewer with the rest of the trade waste;
 - (e) specified precautions be taken to prevent the discharge of odours; and
 - (f) such other measures as the Authority considers necessary be taken in relation to the trade waste.
- (5) An agreement made under subsection (4) shall provide:
- (a) that the other party to the agreement shall notify the Authority in writing of a variation in any of the matters specified in his request under subsection (3):
 - (i) where the variation is anticipated – not less than 24 hours before the actual variation; or
 - (ii) where the variation was due to circumstances that could not be anticipated – not more than 24 hours after he became aware of the variation; and

- (b) that the Authority may suspend or cancel the agreement where the conditions to which it is subject have been contravened or have not been complied with,

and may provide:

- (c) for the payment to the Authority of such amounts, at such intervals, as are specified in the agreement.
- (6) The Authority may revoke or vary a trade waste agreement after giving the party to the agreement 14 days notice in writing of its intention so to do.

48 Restrictions on discharge of waste

- (1) The Authority may, in order to facilitate the construction, planned maintenance or repair of a sewer, by notice in writing, require a person who has entered into a trade waste agreement under section 47 to refrain from discharging any trade waste, or such type of trade waste as is specified in the notice, for such period as is specified in the notice.

- (2) Where unplanned maintenance or repairs of a sewer become necessary:

- (a) due to an emergency; or
- (b) where an overflow of the sewer is likely to occur,

the Authority may, by notice in writing, require a person who has entered into a trade waste agreement under section 47 forthwith and until further notice to refrain from discharging trade waste into the sewer in order that the necessary repairs may be carried out.

- (3) A person upon whom a notice under subsection (1) or (2) has been served shall have no right to claim compensation in respect of any loss or damage suffered by him as a result of a requirement contained in that notice and shall comply with and not contravene the requirement.

Penalty: \$5,000.

Part V Offences**49 Tampering with property of Authority**

A person shall not, without lawful excuse, remove, repair, exchange, alter or tamper with a valve, pipe, meter, reservoir, tank, aqueduct, manhole, hydrant or other works or fitting the property of the Authority.

Penalty: \$2,000.

50 Wilful damage to property of Authority

- (1) A person shall not wilfully or negligently damage or destroy any valve, pipe, meter, reservoir, tank, aqueduct, manhole, hydrant or other works or fitting the property of the Authority.

Penalty: \$2,000.

- (2) A person who has been found guilty of an offence against subsection (1) shall, in addition to any penalty that may be imposed, be liable to pay to the Authority the cost of repairing or replacing the damaged property.

51 Connections to Authority mains

- (1) A person shall not make a connection to a sewer or water main except under and in accordance with the direction of an inspector or an authorized person.

Penalty: \$2,000.

- (2) Where the Authority so requires, a connection to a sewer or water main shall be made by an authorized person, and the cost of making the connection is recoverable from the owner of the land to which the connection is made as a debt due to the Authority.

- (3) A person shall not connect or cause or permit a connection to be made to a sewer except in accordance with an approved drainage plan.

Penalty: \$2,000.

52 Cross connections

- (1) A person shall not connect or cause or permit to be connected to a pipe forming part of the Authority's water supply system, a pipe connected to another water supply.

Penalty: \$5,000.

- (2) The existence on land of a pipe or other means of connection used for cross connecting a pipe forming part of the Authority's water supply system with another water supply is prima facie evidence that such connection has been made with the knowledge of the owner of the land.

53 Work not carried out in accordance with permit, &c.

- (1) Subject to section 54, a person shall not carry out or cause or permit to be carried out plumbing or drainage work other than maintenance work as defined in section 37, except in accordance with an approved drainage plan.

Penalty: \$2,000.

- (2) A person shall not:
- (a) carry out or cause or permit to be carried out work of the type referred to in section 39(1) without having obtained a permit to carry out that work;
 - (b) fail to give a notice under section 41(1) where required to do so by that section; or
 - (c) fail to ensure that work is or remains uncovered where an inspection of that work is requested under section 41(1).

Penalty: \$2,000.

54 Non-application of certain sections

Sections 37, 38, 39, 40, 41, 45 and 53 do not apply where work is carried out on an installation that:

- (a) is, or is intended to be, connected to a supply of bore water; and
- (b) is in no way connected by cross connection or otherwise to a main or service pipe,

and, notwithstanding section 4, where the installation is:

- (c) situated on land, notwithstanding that the land is in a water supply area; and
- (d) in respect of premises, whether or not other premises or installations on the land are connected to the Authority's water supply system.

55 Use before inspection

- (1) Subject to subsection (2), a person shall not use a pipe, drain, fitting, fixture or apparatus being part of new or modified drainage work until it has been inspected, tested and approved by an inspector and an inspection certificate stating that there are no defects in the drainage work has been issued.

Penalty: \$2,000.

- (2) Where drainage work has been carried out in stages and a certificate of inspection has been issued at the completion of each stage of the work, a person shall not take it into use until a final inspection has taken place and a certificate has been issued stating that the work as a whole complies with the drainage plan submitted or prepared under section 39.

Penalty: \$2,000.

- (3) Where an inspector has issued a direction under section 43(3)(a), no person shall, without the permission of an inspector, continue or resume the work to which the direction relates.

Penalty: \$2,000.

56 Waste to be discharged into sewer

The occupier of premises which are connected to a sewer shall ensure that all domestic sewage from the premises is, subject to section 58, discharged into a sewer.

Penalty: \$2,000.

57 Approval for fixtures

- (1) A person shall not install or cause to be installed in premises:

- (a) a waste disposal unit; or
- (b) a bidet,

without first obtaining an approval in writing from the Authority.

Penalty: \$500.

- (2) The Authority shall not withhold approval under subsection (1) in respect of:

- (a) waste disposal units for domestic purposes where a sewer requires modification for longer than is reasonably necessary; and

(b) bidets of a prescribed type.

- (3) Where, at the commencement of this Act, a waste disposal unit or bidet is installed in premises, the owner of the premises shall, within 3 months after that commencement, notify the Authority in writing of that installation.

Penalty: \$500.

58 Prohibited discharge

- (1) Except with the written approval of the Authority, a person shall not throw, deposit or discharge or cause or permit to be thrown, deposited or discharged, into a sewer or an opening, pipe or receptacle connected to a sewer any garbage, offal, dead animal, fruit or vegetable matter, solids, ashes, silt, sand or gravel, explosive or flammable substance, mineral, salt or acid, or any other substance, which is or is likely to be injurious to or to prevent the proper operation of the sewerage system or which impairs or is likely to impair the efficient operation of any apparatus or works for the treatment, purification or disposal of sewage.

Penalty: \$5,000.

- (2) A person shall not discharge into a sewer or an opening pipe or receptacle connected to a sewer any storm water.

Penalty: \$5,000.

59 Building over sewer

- (1) A person shall not, without first obtaining the written approval of the Authority, construct or cause or permit to be constructed a building or structure over an easement for a sewer or, where no easement exists, within 1.5 metres either side of the centreline of a sewer.

Penalty: \$2,000.

- (2) The approval of the Authority given under subsection (1) may specify the manner in which or the materials out of which the building or structure may be constructed, and a person to whom such approval is given shall comply with such specifications and other conditions to which the approval is made subject.

Penalty: \$2,000.

- (3) The Authority, when considering a request for approval under subsection (1), may come to an agreement with the person requesting that approval that, upon the person paying the cost, the Authority shall, instead of approving the application, carry out the

work of diverting or relocating the sewer.

- (4) The Authority may approve under this section the erection of a building or structure on the condition that the building or structure is removed:

- (a) by the owner at the request of the Authority; or
(b) by the Authority at the expense of the owner,

when access is required to the sewer.

60 Manholes

- (1) The Authority may cause a manhole giving access to a sewer to be placed on any land without having to pay compensation for the land or easement, and such manhole shall be deemed to form part of the sewerage system.

- (2) The owner or occupier of land shall not:

- (a) alter, or cause or permit to be altered, the level of the ground surrounding a manhole; or
(b) regrade or cause or permit his land to be regraded to drain the area,

without obtaining the prior written approval of the Authority.

Penalty: \$2,000.

- (3) A person shall not:

- (a) erect, or cause or permit to be erected, a building or structure over a manhole which is part of a sewerage system; or
(b) enclose, or cause or permit to be enclosed, a manhole in a yard or pen used to retain birds or animals.

Penalty: \$2,000.

- (4) Where a person has contravened or failed to comply with subsection (2) or (3), the Authority or person authorized by it for the purpose may, upon giving reasonable notice to the owner and occupier of the land or, if in the Authority's opinion the circumstances so require, without giving any notice, enter on the land and remove:

- (a) the soil or other material surrounding;
(b) the building or structure erected over; or

(c) the fencing or other material enclosing,

a manhole, and the cost of so doing may be recovered from the owner of the land as a debt due and payable to the Authority.

61 Trees and shrubs

(1) Where trees, crops or shrubs are located within 1.5 metres either side of the centreline of a sewer, and it is necessary for the Authority to gain access to that sewer, the Authority may, without notice, cause the trees, crops or shrubs to be removed.

(2) Where the Authority has taken action under subsection (1), it is not liable to restore the area to its previous standard or to pay compensation for destroyed vegetation.

(3) Where damage to or blockage of a sewer has been caused by a tree that is positively identifiable as causing the blockage, the Authority shall serve on the owner of the land on which the tree is growing a notice in writing:

(a) requiring the owner to remove:

(i) the tree and the roots; or

(ii) that part of the roots,

that are causing the damage or blockage;

(b) requiring the owner to repair the sewer and restore the surface conditions of his land and adjoining land, if necessary; and

(c) specifying the period within which the removal shall be made,

at the expense of the owner.

(4) On receipt of a notice under subsection (3) the owner shall, where it is necessary to gain access to land that is owned by a person other than the owner of the land on which the tree or roots, or both, requiring removal are situated, notify the Authority in writing of the arrangements for:

(a) removal of the tree or roots; and

(b) repair of the sewer and restoration of the surface conditions,

from or on, as the case may be, the land owned by that other person in order that an authorized person may, in accordance with section 30(3), be in attendance.

- (5) Where an owner elects to remove the roots of a tree only under subsection (3)(a)(ii), he shall give an undertaking in writing that he is responsible for payment of any costs incurred due to a recurrence of the damage or blockage caused by roots of the same tree.
- (6) Where an owner has not complied with the requirements of a notice given under subsection (3), the Authority may authorize a person to enter the land with the necessary employees, machinery, plant and materials and remove the tree.
- (7) The cost incurred by the Authority in removing a tree under subsection (6) is a debt due and payable by the owner of the land to the Authority.

62 Use of materials

A person shall not use in any plumbing or drainage work any pipe, fitting, fixture or other material:

- (a) which does not comply with the requirements of section 44(1)(a);
- (b) which is faulty or has been rejected by the Authority or an inspector;
- (c) which, having been required, under section 44(2)(b), by the Authority to be tested, has not been tested;
- (d) the use of which has been prohibited under section 44(2)(c);
or
- (e) in respect of which a direction has been issued under section 44(3), other than that specified in the direction.

Penalty: \$2,000.

63 Unauthorized use of water

- (1) Subject to subsection (4), a person shall not, unless authorized in writing so to do by the Authority, use, whether on his land or elsewhere, a device or fitting intended to divert or abstract water from the Authority's water supply system in such manner that the water used by him is not recorded on a meter.

Penalty: \$2,000.

- (2) For the purpose of proceedings for an offence against subsection (1), the existence of a pipe, hose, device or fitting leading from a point in the service pipe to a person's land to a point on his land is prima facie evidence of diversion of water by that person.
- (3) A court may, upon finding a person guilty of an offence against this section, order him to pay to the Authority such sum as it considers reasonable by way of damages, and may for this purpose require the Authority to submit a written estimate of the amount of water unlawfully diverted or abstracted by the offender.
- (4) This section does not apply to the use of water for the purpose of fighting a fire.

64 Installation of meter

A person, other than the Authority, an inspector or an authorized person, shall not test, install, repair, remove or replace a meter.

Penalty: \$2,000.

65 Tapping main or drawing off water

- (1) A person shall not, without the written approval of the Authority:
 - (a) tap a water main or connect a private service to a water main;
or
 - (b) draw off water from a reservoir, dam, aqueduct, tank, pipe, hydrant or other works the property of the Authority.

Penalty: \$2,000.

- (2) Subsection (1)(b) does not apply to drawing off water for the purpose of fighting a fire.

66 Wasting water

- (1) A person shall not, notwithstanding that the use of such water is otherwise lawful, waste water.

Penalty: \$2,000.

- (2) Where an inspector or authorized person is of the opinion that water is being wasted, he shall serve a notice:
 - (a) on the occupier of the land; or

-
- (b) where the occupier or a person apparently in control of the land is not present – by leaving it in a conspicuous place on the land,

specifying the type of waste and directing that the waste be abated within the time specified in the notice.

- (3) Where the occupier fails to comply with a notice under subsection (2), he is guilty of an offence.

Penalty: \$2,000.

67 Notice of demolition of building connected to main, &c.

An owner of land who intends to demolish a building or structure on his land shall, where that building or structure is connected to a sewer or a water main, before commencing any work of demolition, apply to the Authority for the sewerage service or water supply, as the case requires, to that building to be disconnected by an authorized person.

Penalty: \$2,000.

68 Pollution

- (1) A person shall not pollute with any substance a reservoir, dam, aqueduct or water storage tank which is used or constructed to hold water for human consumption or a stream or aquifer from which water is drawn for human consumption.

Penalty: \$5,000.

- (2) Unless such activity is authorized by the Authority by means of a marked signpost or other notice, no person shall bathe, swim, waterski, use a boat or take part in any type of watersport or permit an animal under his control to swim or wade in a reservoir, dam, aqueduct, water storage tank or stream from which water is drawn for human consumption.

Penalty: \$2,000.

68A Regulatory offences

An offence of contravening or failing to comply with section 14(3), 21(1), 51(1) or (3), 53, 55, 56, 57(1) or (3), 59(1) or (2), 64, 67, 71(1) or (2) or 73(2) is a regulatory offence.

Part VI Miscellaneous**69 Service plans**

- (1) The Authority shall make and keep plans showing the location of all sewers and water mains in the Territory, clearly showing the position of those sewers and water mains in relation to each lot of land in a sewered area or water supply area.
- (2) The Authority shall retain a copy of each plan approved under section 39.
- (3) Plans kept under this section shall be made available free of charge for inspection by any person who wishes to inspect them, and copies of or extracts from such plans may be supplied on payment of the prescribed fee.

70 Forfeiture

- (1) An object seized under section 31 may, on the finding of guilt of a person for an offence in connection with which that object was seized, in the discretion of the court recording the finding of guilt, be forfeited to the Authority.
- (2) A forfeiture under subsection (1) shall be in addition to and not part of a penalty imposed under this Act.
- (3) Where a seized object is not forfeited under subsection (1) and no order is made by a court for the return of the object, subsection (4) applies as if no prosecution had been instituted within the period referred to in that subsection.
- (4) Where an object seized is delivered to the Authority and no prosecution is instituted within 6 months in respect of the use or possession of the object, the Authority shall, by notice in writing, require the person from whom the object was seized, or a person appearing to the Authority to be the owner of the object, to claim delivery to him of the object seized.
- (5) If no claim is made within 21 days of the date of service of the notice under subsection (4), the object seized is forfeited to the Authority.
- (6) Where a person served with a notice under subsection (4) makes a claim for the delivery to him of an object seized under this Act, the Authority shall refer the claim to a court of summary jurisdiction which may deal with the claim in all respects as if it were a claim made by a claimant of property under section 130B of the *Justices Act*.

- (7) All objects forfeited under this Act may be sold, destroyed or disposed of in such manner as is prescribed or, in the absence of regulations relating to objects forfeited under this Act, as the Authority thinks fit.

71 Change of address, &c.

- (1) The owner of land in a seweraged area or a water supply area shall notify the Authority within 28 days of:
- (a) a change in his postal address; or
 - (b) subject to subsection (2), the transfer of ownership of the land to another person.

Penalty: \$100.

- (2) Subsection (1)(b) does not apply where the Registrar-General has entered into an agreement under section 205 of the *Land Title Act* to provide the information concerning the transfer of ownership of the land to another person about which the former owner is required under that subsection to notify the Authority.

72 Service of notices, &c.

A notice or instrument permitted or required under this Act to be given or served, may be given or served:

- (a) in respect of an owner of land – by post to his last known address or, where no address can be ascertained, by affixing it in a conspicuous position on the land; or
- (b) in respect of the occupier of land – by post to the address of the land or by giving it to a person apparently over the age of 16 years on the land.

73 Direction to repair house drain

- (1) In this section, **drain** means the drain leading from a house or other premises on land, to which a sewerage service is made available, to the point of connection to the sewer.
- (2) The Authority may, by instrument in writing specifying the repairs and the time within which they shall be carried out, direct the owner of land:
- (a) where the total length of the drain is located on his land – to repair the drain in accordance with the instrument; or

- (b) where part of the drain is located on adjoining land, to:
- (i) make arrangements for an authorized person to accompany the drainer employed by the owner for the purpose to enter on adjoining land and repair that part of the drain; or
 - (ii) make arrangements for an authorized person to repair that part of the drain,

in accordance with the instrument, and the costs of such repairs to the drain are payable by the owner.

Penalty: \$2,000.

- (3) Where the person on whom an instrument under subsection (2) has been served fails to comply with the direction in the specified time, the Authority may authorize a person to enter, with or without employees, vehicles, plant, equipment or materials on the land and carry out the repairs specified in the instrument.
- (4) The costs of repairs incurred under subsection (3) may be recovered from the owner as a debt due and payable to the Authority.

74 Financial assistance to connect to sewer, &c.

- (1) An owner of land within a sewerred area who:
 - (a) has been directed:
 - (i) under section 21(1) to connect his land to a sewer; or
 - (ii) under section 73 to repair his drain; and
 - (b) is unable from his own resources to pay for the work or repairs as specified or to obtain financial assistance,

may apply to the Authority for assistance to pay for the work or repairs.
- (2) An application under subsection (1) shall be in the approved form accompanied by such estimates of the cost of carrying out the work or repairs as are prescribed.

- (3) The Authority may in its discretion:
- (a) offer a loan that:
 - (i) shall specify the amount, the terms and conditions and period within which the offer may be accepted by the applicant;
 - (ii) shall not exceed the prescribed proportion of the estimated cost of the work or repairs; and
 - (iii) shall be for the period and bear interest at the rate and calculated in the manner, as prescribed; or
 - (b) reject the application.
- (4) If the applicant accepts the offer made by the Authority under subsection (3)(a) he shall enter into an agreement with the Authority.

75 Easements

- (1) The Authority may acquire an easement for the construction of a sewer or for the laying of water mains or pipes.
- (2) Where a building, structure or other improvement on the land has been constructed over a sewer or within an easement area, the Authority may by notice in writing direct the owner of the land to remove the building, structure or other thing within such period as is specified in the notice.
- (3) Where the person on whom a notice under subsection (2) has been served does not comply with the requirements of that notice within the specified period, the Authority may authorize persons to enter the land with employees, machinery, plant and materials to carry out the work specified in the notice.
- (4) Costs incurred in carrying out the work necessary to comply with the notice under subsection (2) may be recovered from the owner of the land as a debt due and payable to the Authority.

76 Regulations

- (1) The Administrator may make regulations, not inconsistent with this Act, prescribing all matters required or permitted by this Act to be prescribed, or necessary or convenient to be prescribed for carrying out or giving effect to this Act.

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- (2) Without limiting the generality of subsection (1), the Regulations may make provision for or in relation to:
- (a) rates, charges and fees for services provided under this Act; and
 - (b) pipes, fixtures, fittings, apparatus and other materials to be used in plumbing or drainage work.
- (3) The Regulations may provide, in respect of an offence against the Regulations:
- (a) for the imposition of a fine not exceeding \$2,000; and
 - (b) that the court finding the offender guilty the offender has power to order him to pay to the Authority such amount in respect of the expense to the Territory of remedying any damage caused by the act in respect of which the offender has been found guilty as the court thinks fit.

77 Saving of regulations, &c.

- (1) Notwithstanding the repeal effected by section 3:
- (a) the *Water Supply (Terms and Conditions of Supply) Regulations* to the extent of:
 - (i) regulation 3 in respect of the definition of **water allowance**; and
 - (ii) regulation 24; and
 - (b) the *Sewerage Regulations* to the extent of:
 - (i) regulation 239; and
 - (ii) regulation 241 for the period until 30 June 1983,
- being regulations made under the Ordinances specified in the Schedule remain in force as if they had been made under this Act.
- (2) Where an instrument issued under regulation 27 of the *Water Supply (Terms and Conditions of Supply) Regulations* was in force immediately before the commencement of this Act and would have, but for that commencement, continued in force, it shall be deemed to be issued under this Act and remain in force in accordance with the terms of the instrument until it is dealt with under this Act.

Schedule

section 3

Ordinances Repealed

Supply of Services Ordinance 1952 (No. 34 of 1952)

Supply of Services Ordinance 1958 (No. 1 of 1958)

Supply of Services Ordinance 1962 (No. 13 of 1962)

Supply of Services Ordinance (No. 2) 1962 (No. 7 of 1963)

Supply of Services Ordinance 1965 (No. 10 of 1965)

Supply of Services Ordinance 1972 (No. 77 of 1973)

Supply of Services Ordinance 1978 (No. 34 of 1978)

ENDNOTES
1**KEY**

Key to abbreviations

amd = amended	od = order
app = appendix	om = omitted
bl = by-law	pt = Part
ch = Chapter	r = regulation/rule
cl = clause	rem = remainder
div = Division	renum = renumbered
exp = expires/expired	rep = repealed
f = forms	s = section
Gaz = <i>Gazette</i>	sch = Schedule
hdg = heading	sdiv = Subdivision
ins = inserted	SL = Subordinate Legislation
lt = long title	sub = substituted
nc = not commenced	

2**LIST OF LEGISLATION*****Water Supply and Sewerage Act 1983 (Act No. 12, 1983)***

Assent date	27 April 1983
Commenced	1 July 1983 (<i>Gaz</i> S21, 1 July 1983, p 1)

Criminal Law (Regulatory Offences) Act 1983 (Act No. 68, 1983)

Assent date	28 November 1983
Commenced	1 January 1984 (s 2 s 2 <i>Criminal Code Act 1983</i> (Act No. 47, 1983), <i>Gaz</i> G46, 18 November 1983, p 11 and <i>Gaz</i> G8, 26 February 1986, p 5)

Statute Law Revision Act 1984 (Act No. 28, 1984)

Assent date	20 July 1984
Commenced	20 July 1984

Water Supply and Sewerage Amendment Act 1986 (Act No. 69, 1986)

Assent date	19 December 1986
Commenced	1 July 1986 (s 2)

Water Supply and Sewerage Amendment Act (No. 2) 1986 (Act No. 71, 1986)

Assent date	19 December 1986
Commenced	19 December 1986

Water Supply and Sewerage Amendment Act 1987 (Act No. 22, 1987)

Assent date	25 June 1987
Commenced	1 July 1987 (s 2, s 2 <i>Power and Water Authority Act 1987</i> (Act No. 20, 1987) and <i>Gaz</i> S48, 29 June 1987)

Statute Law Revision Act 1988 (Act No. 66, 1988)

Assent date	22 December 1988
Commenced	22 December 1988

Water Supply and Sewerage Amendment Act 1991 (Act No. 58, 1991)

Assent date 26 September 1991
Commenced 26 September 1991

Water Supply and Sewerage Amendment Act 1989 (Act No. 72, 1989)

Assent date 12 December 1989
Commenced 2 January 1992 (*Gaz S65*, 20 December 1991)

Water (Consequential Amendments) Act 1992 (Act No. 27, 1992)

Assent date 5 June 1992
Commenced 1 July 1992 (s 2, s 2 *Water Act 1992* (Act No. 19, 1992) and *Gaz S35*, 30 June 1992)

Water Supply and Sewerage Amendment Act 1993 (Act No.34, 1993)

Assent date 19 August 1993
Commenced 19 August 1993

Statute Law Revision Act (No. 2) 1993 (Act No. 70, 1993)

Assent date 9 November 1993
Commenced 9 November 1993

Real Property (Statutory Charges Consequential Amendments) Act 1993 (Act No. 77, 1993)

Assent date 23 November 1993
Commenced 1 October 1994 (s 2, s 2 *Real Property Amendment Act (No. 2) 1993* (Act No. 76, 1993) and *Gaz G37*, 14 September 1994, p 2)

Water Supply and Sewerage Amendment Act 1994 (Act No. 83, 1994)

Assent date 30 December 1994
Commenced 15 March 1995 (*Gaz G11*, 15 March 1995, p 6)

Sentencing (Consequential Amendments) Act 1996 (Act No. 17, 1996)

Assent date 19 April 1996
Commenced s 7: 19 April 1996; rem: 1 July 1996 (s 2, s 2 *Sentencing Act 1995* (Act No. 39, 1995) and *Gaz S15*, 13 June 1996)

Water Supply and Sewerage Amendment Act (Act No. 26, 1998)

Assent date 30 March 1998
Commenced 30 March 1998

Land Title (Consequential Amendments) Act 2000 (Act No. 45, 2000)

Assent date 12 September 2000
Commenced 1 December 2000 (s 2, s 2 *Land Title Act 2000* (Act No. 1, 2000) and *Gaz G38*, 27 September 2000, p 2)

3 LIST OF AMENDMENTS

s 4 amd No. 22, 1987, s 6
s 5 amd No. 27, 1992, s 3
s 6 amd No. 69, 1986, s 4; No. 22, 1987, s 4; No. 83, 1994, s 4; No. 26, 1998, s 3
ss 7 – 8 rep No. 22, 1987, s 5
s 9 amd No. 69, 1986, s 5; No. 22, 1987, s 6
ss 10 – 12 amd No. 22, 1987, s 6
s 12A ins No. 83, 1994, s 5
amd No. 26, 1998, s 7

ENDNOTES

s 13	amd No. 69, 1986, s 6; No. 22, 1987, s 6
s 13A	ins No. 83, 1994, s 5 amd No. 26, 1998, ss 4 and 7; No. 45, 2000, s 11
s 13B	ins No. 83, 1994, s 5 amd No. 26, 1998, s 7
s 15	amd No. 22, 1987, s 6
s 16	amd No. 28, 1984, s 3; No. 22, 1987, s 6
s 17	amd No. 69, 1986, s 7; No. 22, 1987, s 6
ss 18 – 19	amd No. 22, 1987, s 6
s 19A	ins No. 26, 1998, s 5
ss 20 – 22	amd No. 22, 1987, s 6
s 23	amd No. 69, 1986, s 8; No. 22, 1987, s 6; No. 72, 1989, s 4
s 24	amd No. 22, 1987, s 6
s 25	amd No. 69, 1986, s 9; No. 22, 1987, s 6; No. 72, 1989, s 5
s 26	amd No. 69, 1986, s 10; No. 22, 1987, s 6
s 27	amd No. 22, 1987, s 6
s 28	amd No. 69, 1986, s 11; No. 22, 1987, s 6 rep No. 72, 1989, s 6
s 29	amd No. 69, 1986, s 12
s 30	amd No. 22, 1987, s 6
s 31	amd No. 66, 1988, s 6
s 32	amd No. 69, 1986, s 13; No. 22, 1987, s 6; No. 72, 1989, s 7
s 33	amd No. 69, 1986, s 14; No. 22, 1987, s 6; No. 72, 1989, s 8; No. 34, 1993, s 2; No. 77, 1993, s 14; No. 26, 1998, s 6; No. 45, 2000, s 11
s 34	amd No. 69, 1986, s 15
s 35	amd No. 69, 1986, s 16; No. 22, 1987, s 6
s 36	amd No. 22, 1987, s 6 sub No. 69, 1986, s 17
ss 38 – 40	amd by No. 22, 1987, s 6
s 41	amd No. 22, 1987, s 6; No. 70, 1993, s 8
ss 42 – 49	amd No. 22, 1987, s 6
s 50	amd No. 22, 1987, s 6; No. 17, 1996, s 6
ss 51 – 62	amd No. 22, 1987, s 6
s 63	amd No. 66, 1988, s 6; No. 17, 1996, s 6
ss 64 – 68	amd No. 22, 1987, s 6
s 68A	ins No. 68, 1983, s 79
s 69	amd No. 22, 1987, s 6
s 70	amd No. 22, 1987, s 6; No. 17, 1996, s 6
s 71	amd No. 69, 1986, s 18; No. 22, 1987, s 6; No. 58, 1991, s 2; No. 45, 2000, s 11
ss 73 – 75	amd No. 22, 1987, s 6
ss 75A – 75C	ins No. 71, 1986, s 3; rep No. 22, 1987, s 5
s 76	amd No. 22, 1987, s 6; No. 17, 1996, s 6