

NORTHERN TERRITORY OF AUSTRALIA

WATER SUPPLY AND SEWERAGE ACT
No. 12 of 1983

TABLE OF PROVISIONS

Section

PART I - PRELIMINARY

1. Short title
2. Commencement
3. Repeal
4. Application
5. *Control of Waters Act*
6. Interpretation
7. Appointment of Director
8. Delegation

PART II - SUPPLY OF SEWERAGE AND WATER SERVICES

Division 1 - General

9. Supply of services
10. Declaration of sewerage districts and water districts
11. Notice of operations
12. Sewered areas
13. Water supply areas
14. Water restrictions

Division 2 - Connection of Service

15. Application for sewerage service
16. Application for service pipe
17. Application for water service
18. Conversion from bore to water supply
19. Water supply agreements
20. Extension of main
21. Direction to connect to sewer
22. Cross-connections to be disconnected
23. Disconnection or restriction of water supply
24. Disconnection on request
25. Re-connection

Division 3 - Metering of Water Supplies

26. Meters
27. Construction meter
28. Meter readings
29. Access to meter
30. Authorized persons
31. Power to take possession of objects
32. Power to assess consumption

Division 4 - Charges

- 33. Charges for supply
- 34. Adjustment of charges
- 35. Remission of, or exemption from, charges
- 36. Disputed consumption

PART III - PLUMBING AND DRAINAGE WORK

Division 1 - Permits and Notices

- 37. Definition
- 38. Work to be of required standard
- 39. Permit to carry out work
- 40. "Commence work" notice
- 41. Notice of completion of work

Division 2 - Inspection

- 42. Appointment of inspectors
- 43. Powers and duties of inspectors
- 44. Inspection of materials
- 45. Inspection of work
- 46. Payment of fees under this Part

PART IV - TRADE WASTE

- 47. Trade waste
- 48. Restrictions on discharge of waste

PART V - OFFENCES

- 49. Tampering with property of Territory
- 50. Wilful damage to property of Territory
- 51. Connections to Territory mains
- 52. Cross-connections
- 53. Work not carried out in accordance with permit,
&c.
- 54. Non-application of certain sections
- 55. Use before inspection
- 56. Waste to be discharged into sewer
- 57. Approval for fixtures
- 58. Prohibited discharge
- 59. Building over sewer
- 60. Manholes
- 61. Trees and shrubs
- 62. Use of materials
- 63. Unauthorized use of water
- 64. Installation of meter
- 65. Tapping main or drawing off water
- 66. Wasting water
- 67. Notice of demolition of building connected to
main, &c.
- 68. Pollution

PART VI - MISCELLANEOUS

- 69. Service plans
- 70. Forfeiture
- 71. Change of address, &c.
- 72. Service of notices, &c.
- 73. Direction to repair house drain
- 74. Financial assistance to connect to sewer, &c.
- 75. Easements
- 76. Regulations
- 77. Saving of regulations, &c.

SCHEDULE 1



NORTHERN TERRITORY OF AUSTRALIA

No. 12 of 1983

AN ACT

Relating to the provision of sewerage and
water services, and associated matters

[Assented to 27 April 1983]

BE it enacted by the Legislative Assembly of the Northern Territory of Australia, with the assent as provided by the *Northern Territory (Self-Government) Act 1978* of the Commonwealth, as follows:

PART I - PRELIMINARY

1. SHORT TITLE

This Act may be cited as the *Water Supply and Sewerage Act 1983*.

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 sub-section (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 sub-section (1) shall operate to prevent the Minister from entering into an agreement under section 19 for the supply of water outside a water supply area declared under section 13.

Water Supply and Sewerage

(3) This Act binds the Crown.

5. *CONTROL OF WATERS ACT*

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

6. INTERPRETATION

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

"additional water charge" means the charge payable in respect of each kilolitre of water consumed in excess of the prescribed water allowance, if any, applicable to the period for which the charge is raised;

"approved" means approved for the purposes of this Act by the Director;

"authorized person" means a person appointed as such under section 30;

"basic water charge" means the charge payable as prescribed in respect of land in a water supply area, whether or not the land is connected to the Territory's water supply system;

"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);

"consumer", in relation to the supply of water, means the owner or occupier of land to which the water is supplied or in respect of which a water service is made available by the Territory;

"Director" means the Director for Water and Sewerage appointed under section 7;

"domestic sewage" means all faecal matter, urine, household slops and liquid household refuse;

Water Supply and Sewerage

"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 Territory's water supply system;

"occupier" means the person in occupation of land or, if there is no person in occupation, the person entitled to occupy it or responsible for obligations and liabilities connected with the occupation or use of that land;

"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, the body corporate referred to in section 27 of that Act;
- (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;

"private service" means that part of the water piping connected to the water supply which leads from a meter to a consumer's premises;

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

Water Supply and Sewerage

"service pipe", in relation to a water service, means a pipe leading from a main to a consumer's 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.

7. APPOINTMENT OF DIRECTOR

The Minister may, by notice in the *Gazette*, appoint an employee within the meaning of the *Public Service Act* to be the Director for Water and Sewerage.

8. DELEGATION

(1) The Director may, by instrument in writing, delegate to a person any of his powers and functions under this Act, other than this power of delegation.

(2) A power or function delegated under this section, when exercised or performed by the delegate, shall, for the purpose of this Act, be deemed to have been exercised or performed by the Director.

(3) A delegation under this section does not prevent the exercise of a power or the performance of a function by the Director.

PART II - SUPPLY OF SEWERAGE AND WATER SERVICES

Division 1 - General

9. SUPPLY OF SERVICES

(1) Subject to this Part, the Minister may make available to an owner or occupier of land in the Territory

Water Supply and Sewerage

a sewerage service or water supply service or both such services as he thinks fit.

(2) No action shall lie against the Minister for failure to make available, or continue to make available, a sewerage service or water supply service as the case may be.

(3) The Territory shall not be liable for any damage suffered by a person as a result of the discontinuance or interruption of a service made available under sub-section (1).

10. DECLARATION OF SEWERAGE DISTRICTS AND WATER DISTRICTS

(1) The Minister may, by notice in the *Gazette*, declare an area in the Territory to be a sewerage district.

(2) The Minister 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 sub-section (1) to be a sewerage district on the commencement of this Act.

11. NOTICE OF OPERATIONS

(1) The Director 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 Director 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 Director or a person authorized by him in writing may, not less than 14 days after the service of a notice under sub-section (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

Water Supply and Sewerage

of surveying, planning, designing or constructing a sewer or works ancillary to that sewer.

(4) The Director or a person authorized by him in writing may, not less than 14 days after the service of a notice under sub-section (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 sub-section (3) or (4), and any person occupying that land, shall give all assistance reasonably required by the Director or a person authorized by him in providing necessary access for his 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 Director or a person authorized by him, 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 sub-section (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 Territory for such loss or damage in respect of the carrying out of the work.

(8) A person shall not obstruct the Director, or a person authorized by him, in the exercise of his 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 Minister 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

Water Supply and Sewerage

area, be levied on the owner of land in that area, notwithstanding that his land is not connected to a sewer.

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 Minister may, by notice in the *Gazette*, declare that area to be a water supply area.

(2) Notwithstanding any other provision of this Act the prescribed basic water charges may, from the date of declaration of an area as a water supply area, be levied on the owner of land in a water supply area, notwithstanding that his land is not connected to a water main or is unoccupied.

(3) Liability for the payment of the prescribed additional water charges is in accordance with Division 4 of Part II.

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 sub-section (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 sub-section (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,

Water Supply and Sewerage

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 sewered area or his agent may apply to the Director for a sewerage service to that land.

(2) An application under sub-section (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 sub-section (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 Director for the installation of a service pipe to supply water to his land.

(2) An application under sub-section (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

Water Supply and Sewerage

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 sub-section (4), a new or upgraded service pipe -

- (a) shall be of such size as the Director 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 Territory.

(6) In this section "single dwelling" means a dwelling constructed in accordance with the *Building Regulations* in an area zoned R1 under the *Town Planning Act*.

17. APPLICATION FOR WATER SERVICE

(1) The owner or occupier or intending occupier of land to which a service pipe has been installed may apply to the Director for the supply to him of a water service.

- (2) An application under sub-section (1) shall -
 - (a) be in the approved form;
 - (b) be accompanied by the prescribed fee;

Water Supply and Sewerage

- (c) give the name and postal address of the owner and the applicant;
 - (d) be signed by the owner, or his agent, and the applicant; and
 - (e) indicate whether or not the owner has elected to pay all the charges in relation to the supply of water.
- (3) Where -
- (a) an application is not made in accordance with sub-section (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 Director 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 Territory's water supply instead of the bore.

(2) On receipt of an application under sub-section (1), the Director, 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 sub-section (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 Territory's water supply, have the defects remedied by a licensed person who shall, before any part of the work is connected to the Territory's water supply, give notice of completion under section 41.

Water Supply and Sewerage

(4) On receipt of the notice under sub-section (3) and on payment of the prescribed fee, the Director shall arrange for the work to be inspected and -

- (a) subject to the remedy of the defects referred to in sub-section (3) and no further defects being apparent; and
- (b) subject to compliance, where directed, with sub-section (5),

the Director shall approve the application under sub-section (1).

(5) The Director 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 Minister 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.

20. EXTENSION OF MAIN

(1) The Minister 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 sub-section (1) shall be constructed in accordance with specifications determined by the Director.

(3) A main constructed under this section shall, upon completion, become the property of, and be maintained by, the Territory.

Water Supply and Sewerage

21. DIRECTION TO CONNECT TO SEWER

(1) Where water is supplied under this Act to land in a water supply area, the Minister 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 sub-section (1) has been served fails to comply with a direction within the specified time, the Minister 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 Minister has authorized a person under sub-section (2) to comply with a direction under sub-section (1), the costs incurred by the Minister in effecting the compliance may be recovered from the owner of the land as a debt due and payable to the Territory.

22. CROSS-CONNECTIONS TO BE DISCONNECTED

(1) Where an authorized person discovers a cross-connection between the Territory's water supply system and another water supply, he shall forthwith cause the service pipe to be disconnected from the Territory'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 sub-section (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 Territory.

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 Director may disconnect or restrict, or cause to be disconnected or restricted, the water supply to a consumer, 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 Director,

Water Supply and Sewerage

cause contamination of the Territory's water supply system or is otherwise in need of modification or repair;

- (c) where a fee or charge payable under this Act remains unpaid more than 28 days after the date upon which it becomes due and payable;
- (d) where the consumer or other person on the land obstructs an authorized person lawfully on the land in the exercise of his powers under this Act;
- (e) where the consumer 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 Director shall not disconnect or restrict the water supply to land, except in the circumstances described in sub-section (2)(d), (2)(e) or (5) or section 22, unless he has first given to the owner and occupier of the land not less than 7 days notice in writing -

- (a) stating that he 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 and occupier of their respective liabilities to pay any moneys due and payable under this Act by them to the Territory at the time that the water supply was disconnected or restricted.

(5) The Director may disconnect the water supply to any land without giving notice under sub-section (3) where a fault in the private service may cause damage to the Territory'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 Director, 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 sub-section (1) of a sewerage service or water supply.

Water Supply and Sewerage

25. RE-CONNECTION

(1) An owner or occupier of land may apply to the Director 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 -

- (a) the non-payment of a fee or charge;
- (b) obstruction by the consumer or other 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 the consumer;
- (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 -

- (g) the outstanding fee or charge has either been paid or arrangements to the satisfaction of the Director have been made for its payment;
- (h) where a disconnection was made under section 23(2)(d), the consumer 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 consumer has given an undertaking in writing that he will comply with the notice under section 14 that has not been withdrawn; or
 - (ii) the notice under section 14 has been withdrawn;

Water Supply and Sewerage

- (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 Director have been made for its payment,

as the case requires.

Division 3 - Metering of Water Supplies

26. METERS

(1) The Director may, for the purpose of measuring the amount of water supplied to a consumer, install a meter on the land to which the water supply is made available or in any other location, as he 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 sub-section (1) unless it has been first tested by the Director and found to be accurate within the prescribed tolerance.

(4) The Director 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) A consumer may, upon payment of the prescribed fee, apply in writing to the Director for the meter measuring the water supplied to him to be tested.

(6) If the test carried out in response to an application under sub-section (5) indicates that the meter is registering outside the prescribed tolerance in such manner that the consumer has been or would be charged for a greater quantity of water than that supplied to him, the amount of the fee referred to in sub-section (5) shall be refunded to him.

(7) The Director or an authorized person may, at any time, remove or replace a meter.

Water Supply and Sewerage

27. CONSTRUCTION METER

(1) Subject to sub-section (2), the Director 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 sub-section (1) shall be accompanied by the deposit of an amount not less than the cost, as estimated by the Director, of the meter and associated fittings.

(3) A meter installed under sub-section (1) may be mounted on a vehicle or other mobile equipment and shall, upon demand by the Director, 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 sub-section (1).

(5) Notwithstanding section 33, charges made for the supply of water through a meter installed under sub-section (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 Territory on demand.

28. METER READINGS

(1) Meters may be read as follows:

- (a) an initial reading - taken when the meter is installed;
- (b) an annual reading, which is the reading taken as close as possible to -
 - (i) the anniversary date of the initial or annual reading in the preceding year; or
 - (ii) when there is no previous annual reading in respect of the land - the date on which the annual reading was taken on adjacent land or land in the vicinity;
- (c) a special reading - taken when, upon payment of the prescribed fee, a consumer has requested an individual reading of his meter;

Water Supply and Sewerage

- (d) a final reading - taken when a consumer who intends to vacate premises has given at least 7 days notice of that fact and has requested that the service be disconnected and a final reading be taken; and
- (e) an interim reading - taken when the Director has directed that a reading be taken at a time other than the time of the annual reading.

(2) Water is deemed not to have passed through a meter until such time as the meter is read in accordance with sub-section (1)(a) and the reading taken at that time is entered on the record kept in accordance with section 26(4).

29. ACCESS TO METER

(1) A consumer is responsible for ensuring that the meter through which water is supplied to him remains accessible to an inspector or authorized person.

(2) Without limiting the generality of sub-section (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 consumer 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 consumer 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 special reading.

(4) If access to a meter is not given within the period during which annual readings are made, the Minister

Water Supply and Sewerage

may assess in accordance with this Act the amount of water supplied through that meter.

30. AUTHORIZED PERSONS

(1) The Minister may appoint an employee within the meaning of the *Public Service Act* 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 Director 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.

Water Supply and Sewerage

(4) For the purposes of sub-sections (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 Director 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 Director for safe keeping.

(2) Subject to section 70, the Director shall cause an object delivered to him under sub-section (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 Territory-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 consumer and the Director 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 at the time of the annual reading or for any other reason an annual reading of the meter has not been obtained,

Water Supply and Sewerage

the Minister may assess the consumption of water by a consumer.

(2) When assessing the consumption of water by a consumer for the purposes of sub-section (1), the Minister may base his assessment upon -

- (a) the amount consumed by the consumer over a comparable period in a previous charge period or charge periods;
- (b) where access could not be gained to the meter, the largest amount recorded in respect of that consumer by the meter over a comparable period; or
- (c) where no previous record exists, the amount that is consumed by the consumer over a comparable period in a subsequent charge period.

(3) Where the Minister considers that none of the methods of assessment in sub-section (2) are suitable in a particular case, he may make an assessment based on the average amount of water consumed during the period of the assessment by a number, not less than 10, of consumers selected at random from amongst consumers of a comparable type in the same locality.

(4) Where the Minister assesses under this section the consumption of water by a consumer, the owner is liable, or where the owner is not resident on the land the owner and occupier are liable, to pay their respective share of the charges payable in respect of the estimated amount of water consumed.

(5) Where, in the opinion of the Director, a consumer has no reason to expect an assessment to be made under this section, the Director shall give the consumer at least 14 days notice of the Minister's 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.

Water Supply and Sewerage

(2) In respect of land in a water supply area under section 13, subject to sub-section (3), charges for the water supply -

- (a) in respect of the basic water charge - are payable by the owner; and
- (b) in respect of any additional water charge -
 - (i) in accordance with an election made under sub-section (4) or deemed to have been made under sub-section (5), are payable by the owner;
 - (ii) where an election by the owner has not been made under sub-section (4) and is not deemed to have been made under sub-section (5), are, subject to sub-paragraphs (iii) and (iv), payable by the occupier;
 - (iii) where the Director has furnished an account in respect of additional water charges that have not been paid by the occupier after the expiration of 3 months from the due date, together with accrued penalty charges, if any, are payable by the owner; or
 - (iv) where several occupiers share land to which the supply of water is measured through one meter, are payable by the owner,

and are as prescribed.

(3) Where an agreement has been entered into under section 19(1) charges in accordance with the agreement are payable by the person named in the agreement.

(4) An owner, who is not the occupier or intended occupier of land, may, at any time during the occupancy by any person or between successive occupancies of the land, apply in the form referred to in section 17(2) to the Director for the supply to the land of a water service and elect to pay all charges in respect of the supply.

(5) Where an owner, who was not the occupier of land before the commencement of this Act, paid excess water charges in respect of his land he shall be deemed to have made an election under sub-section (4).

(6) The charges referred to in sub-section (4) shall be computed from -

- (a) a date as close as practicable to the date of the application in respect of the quantity, ascertained by a special reading, the cost of which is payable by the owner; or

Water Supply and Sewerage

(b) the date of the preceding annual reading or preceding final reading,
as the case may be.

(7) The Regulations 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;
- (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* charges -
 - (i) in respect of sewerage charges and basic water charges -
 - (A) where the ownership of the land changes during a charge period or where the sewerage service or water supply is disconnected - the unused portion of the prepaid amount; or
 - (B) where a sewerage service or water supply first becomes available -

Water Supply and Sewerage

prepayment of charges from that date to the end of the charge period; and

(ii) in respect of additional water charges -

(A) where there is or are one or more changes in occupancy in the charge period and the charges are not usually paid by the owner; or

(B) where a water supply first becomes available or a water supply is discontinued during a charge period; and

(C) where the owner makes an election under sub-section (4);

(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 under sub-section (9), if any.

(8) The amount specified in a statement under sub-section (7)(k) is final.

(9) Where a charge or part of a charge remains unpaid after the expiration of 3 months after the date upon which it became, subject to section 35, due and payable, there shall be added to the charge in arrears -

(a) on the day on which the charge is first in arrears - a penalty charge of 10% of the amount in arrears; and

(b) upon the expiration of each month from that day - a further penalty charge of 1% of the total amount in arrears, including the amount of any previous unpaid penalty charge.

(10) Where this section has not otherwise been complied with, the Director may take proceedings against the owner of land for the recovery of any charge, fee or debt incurred in respect of the sewerage service or water supply to that land, including any such charge, fee or debt incurred by a previous owner, as a debt due and payable to the Territory.

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

Water Supply and Sewerage

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 charge period or, where a change of consumer has occurred since the commencement of the charge period, the date upon which the new consumer first received a supply.

35. REMISSION OF, OR EXEMPTION FROM, CHARGES

(1) The Minister 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 Minister may by instrument in writing exempt a consumer included in a prescribed class of consumers from a fee or charge payable under this Act, or may reduce the fee or charge payable by that consumer for such period as is specified in the instrument.

36. DISPUTED CONSUMPTION

A consumer who disputes the quantity of water shown as having been consumed by him in an account submitted to him, whether in respect of a charge period or some lesser period, may, within 28 days of receipt of the account, notify the Director, in writing, that he 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.

Water Supply and Sewerage

38. WORK TO BE OF REQUIRED STANDARD

(1) The Director 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 Director for a permit to carry out the work.

(2) An application made under sub-section (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 Director, 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 sub-section (2)(a) shall include such details as are prescribed and the Director 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 Director may -

Water Supply and Sewerage

- (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 Director shall grant a permit, on which he shall set out amendments, if any, which he has made to the plan.

(6) A plan drawn up by the Director in response to a request made under sub-section (2)(b) shall remain the property of the Territory.

(7) The Director 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 sub-section (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 Director 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 sub-section (1).

Water Supply and Sewerage

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 Director that the work is ready for inspection.

(2) Notice under sub-section (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 sub-section (1), the Director -

(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 sub-section (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 an Inspector appointed under the *Construction Safety Act*.

Division 2 - Inspection

42. APPOINTMENT OF INSPECTORS

(1) The Minister may appoint such plumbing and drainage inspectors as he thinks fit.

(2) The Minister shall not appoint a person to be an inspector unless he 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.

Water Supply and Sewerage

(3) An inspector appointed under sub-section (1) shall be issued by the Director 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 sub-section (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.

Water Supply and Sewerage

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 Director 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 sub-section (1)(b).

(3) The Director 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 Director 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

Water Supply and Sewerage

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 Director 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 Director 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 Director 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.

Water Supply and Sewerage

(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 Minister 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 sub-section (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 sub-section (1) may submit a request, accompanied by the prescribed fee, to the Director 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 Director may, after consideration of a request submitted under sub-section (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;

Water Supply and Sewerage

- (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 Director considers necessary be taken in relation to the trade waste.

(5) An agreement made under sub-section (4) shall provide -

- (a) that the other party to the agreement shall notify the Director in writing of a variation in any of the matters specified in his request under sub-section (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 Director 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 Territory of such amounts, at such intervals, as are specified in the agreement.

(6) The Minister may revoke or vary a trade waste agreement after giving the party to the agreement other than the Director 14 days notice in writing of his intention so to do.

48. RESTRICTIONS ON DISCHARGE OF WASTE

(1) The Minister 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.

Water Supply and Sewerage

(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 Minister 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 sub-section (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 TERRITORY

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 Territory.

Penalty: \$2,000.

50. WILFUL DAMAGE TO PROPERTY OF TERRITORY

(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 Territory.

Penalty: \$2,000.

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

51. CONNECTIONS TO TERRITORY 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.

Water Supply and Sewerage

(2) Where the Director 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 Territory.

(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 Territory'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 Territory'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.

Water Supply and Sewerage

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 Territory's water supply system.

55. USE BEFORE INSPECTION

(1) Subject to sub-section (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.

Water Supply and Sewerage

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 Director.

Penalty: \$500.

(2) The Director shall not withhold approval under sub-section (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 Director in writing of that installation.

Penalty: \$500.

58. PROHIBITED DISCHARGE

(1) Except with the written approval of the Director, 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.

Water Supply and Sewerage

59. BUILDING OVER SEWER

(1) A person shall not, without first obtaining the written approval of the Director, 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 Director given under sub-section (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 Director, when considering a request for approval under sub-section (1), may come to an agreement with the person requesting that approval that, upon the person paying the cost, the Director shall, instead of approving the application, carry out the work of diverting or relocating the sewer.

(4) The Director 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 Director; or
- (b) by the Director at the expense of the owner,

when access is required to the sewer.

60. MANHOLES

(1) The Director 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 Director.

Penalty: \$2,000.

Water Supply and Sewerage

(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 sub-section (2) or (3), the Director or person authorized by him for the purpose may, upon giving reasonable notice to the owner and occupier of the land or, if in the Director'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 Territory.

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 Director to gain access to that sewer, the Director may, without notice, cause the trees, crops or shrubs to be removed.

(2) Where the Director has taken action under sub-section (1), he 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 Director 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;

Water Supply and Sewerage

- (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 sub-section (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 Director 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 sub-section (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 sub-section (3), the Director 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 Director in removing a tree under sub-section (6) is a debt due and payable by the owner of the land to the Territory.

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 Director or an inspector;
- (c) which, having been required, under section 44(2)(b), by the Director to be tested, has not been tested;

Water Supply and Sewerage

- (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 sub-section (4), a person shall not, unless authorized in writing so to do by the Director, use, whether on his land or elsewhere, a device or fitting intended to divert or abstract water from the Territory'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 sub-section (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 convicting a person of an offence against this section, order him to pay to the Territory such sum as it considers reasonable by way of damages, and may for this purpose require the Director 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 Director, 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 Director -

- (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 Territory.

Penalty: \$2,000.

Water Supply and Sewerage

(2) Sub-section (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 sub-section (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 Director 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 Director 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 Supply and Sewerage

water storage tank or stream from which water is drawn for human consumption.

Penalty: \$2,000.

PART VI - MISCELLANEOUS

69. SERVICE PLANS

(1) The Director 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 Director shall retain a copy of each plan approved by him 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 conviction of a person for an offence in connection with which that object was seized, in the discretion of the court recording the conviction, be forfeited to the Territory.

(2) A forfeiture under sub-section (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 sub-section (1) and no order is made by a court for the return of the object, sub-section (4) applies as if no prosecution had been instituted within the period referred to in that sub-section.

(4) Where an object seized is delivered to the Director and no prosecution is instituted within 6 months in respect of the use or possession of the object, the Director shall, by notice in writing, require the person from whom the object was seized, or a person appearing to the Director 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 sub-section (4), the object seized is forfeited to the Territory.

(6) Where a person served with a notice under sub-section (4) makes a claim for the delivery to him of an object seized under this Act, the Director shall refer

Water Supply and Sewerage

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 Director thinks fit.

71. CHANGE OF ADDRESS, &c.

(1) The owner of land in a sewered area or a water supply area shall notify the Director within 28 days of -

- (a) a change in his postal address; or
- (b) the transfer of ownership of the land to another person.

Penalty: \$100.

(2) Where -

- (a) the occupier of premises that are metered separately is not the owner of the premises; and
- (b) the owner has not accepted liability to pay additional water charges,

and the occupier intends to vacate the premises, he shall give to the Director at least 7 days notice of his intention.

Penalty: \$100.

(3) On receipt of a notice under sub-section (2), the Director shall cause a final reading of the water supply meter to be made.

(4) Where the occupier fails to give notice under sub-section (2), he is liable for the payment of additional water charges, if any, for water consumed until the Director receives -

- (a) an application from the owner under section 33(4) electing to pay all charges in respect of the supply; or
- (b) an application from an intending occupier under section 17,

and has directed that an initial reading be taken.

Water Supply and Sewerage

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 Minister 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 sub-section (2) has been served fails to comply with the direction in the specified time, the Minister 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 sub-section (3) may be recovered from the owner as a debt due and payable to the Territory.

Water Supply and Sewerage

74. FINANCIAL ASSISTANCE TO CONNECT TO SEWER, &c.

- (1) An owner of land within a sewered 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 Director for assistance to pay for the work or repairs.

(2) An application under sub-section (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 Director may in his 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 Director under sub-section (3)(a) he shall enter into an agreement with the Director.

75. EASEMENTS

(1) The Minister 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 Minister 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.

Water Supply and Sewerage

(3) Where the person on whom a notice under sub-section (2) has been served does not comply with the requirements of that notice within the specified period, the Minister 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 sub-section (2) may be recovered from the owner of the land as a debt due and payable to the Territory.

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.

(2) Without limiting the generality of sub-section (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 convicting the offender has power to order him to pay to the Territory 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 convicted 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

Water Supply and Sewerage

- (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

Ordinances Repealed

(Section 3)

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)
