



New South Wales

# Plumbing and Drainage Regulation 2012

under the

Plumbing and Drainage Act 2011

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Plumbing and Drainage Act 2011*.

ANTHONY ROBERTS, MP  
Minister for Fair Trading

## Explanatory note

The objects of this Regulation are:

- (a) to prescribe various periods within which certain notifications under the *Plumbing and Drainage Act 2011* are to be given in relation to the carrying out of plumbing and drainage work, and
- (b) to prescribe the period within which compliance certificates are to be issued for plumbing and drainage work, and
- (c) to require certain information to be provided to the plumbing regulator in relation to plumbing and drainage work involving alternative solutions under the *Plumbing Code of Australia*, and
- (d) to prescribe exemptions from certain provisions of that Act in relation to the carrying out of minor plumbing and drainage work and plumbing and drainage work carried out by employees of network utility operators, and
- (e) to prescribe certain offences under that Act and the Regulation as offences for which penalty notices may be issued, and
- (f) to prescribe fees payable under that Act.

This Regulation is made under the *Plumbing and Drainage Act 2011*, including sections 9, 10, 11, 12, 13, 15, 16, 18, 41 and 52 (the general regulation-making power) and clause 2 of Schedule 1.

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## Plumbing and Drainage Regulation 2012

under the

Plumbing and Drainage Act 2011

### Part 1 Preliminary

#### 1 Name of Regulation

This Regulation is the *Plumbing and Drainage Regulation 2012*.

#### 2 Commencement

This Regulation commences on 1 July 2012 and is required to be published on the NSW legislation website.

#### 3 Definitions

- (1) In this Regulation:
  - alternative solution* has the same meaning as in the *Plumbing Code of Australia*.
  - business day* means a day that is not a Saturday, Sunday or public holiday.
  - the Act* means the *Plumbing and Drainage Act 2011*.
- (2) For the purposes of clauses 4 (a) and 10, plumbing and drainage work does not involve a proposed alternative solution if it is carried out in relation to an existing alternative solution and it does not change the design of the existing alternative solution.
- (3) Notes included in this Regulation do not form part of this Regulation.

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Clause 4 Plumbing and Drainage Regulation 2012

Part 2 Plumbing and drainage work requirements

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### **Part 2 Plumbing and drainage work requirements**

#### **4 Period within which notice of plumbing and drainage work must be given to plumbing regulator by responsible person**

For the purposes of section 9 (3) of the Act, a notice of work must be given:

- (a) no later than 20 business days before the work concerned is carried out in the case of work that involves a proposed alternative solution, or
- (b) no later than 2 business days before the work concerned is carried out in any other case.

#### **5 Period within which emergency work must be notified to plumbing regulator by responsible person**

For the purposes of section 10 (3) of the Act, the period within which notice of emergency work must be given is the period of 5 business days after the work is carried out.

#### **6 Period within which notice of defective installation or system must be given by responsible person**

For the purposes of section 11 (1) and (2) of the Act, the period within which notice of any defective installation or system must be given is the period of 2 business days after the responsible person becomes aware of the defective installation or system.

#### **7 Period within which responsible person must notify plumbing regulator when plumbing and drainage work may be inspected**

For the purposes of section 13 (1) of the Act, the period after plumbing and drainage work is completed within which the plumbing regulator must be notified that the work will be ready for inspection is the period of 2 business days after the work is completed.

#### **8 Period within which certificate of compliance (or copy of certificate) of plumbing and drainage work must be given**

- (1) For the purposes of section 15 (1) (a) and (b) of the Act, the period within which a certificate of compliance for plumbing and drainage work or a copy of the certificate must be given is:
  - (a) the period of 2 business days after the work is completed, or
  - (b) if the plumbing and drainage work is not inspected by the plumbing regulator in the period during which the work must be available for inspection by the plumbing regulator (as required by section 13 of the Act), 7 business days after the work is completed.

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- (2) For the purposes of section 15 (2) of the Act, the period within which a copy of a certificate of compliance for plumbing and drainage work must be given is the period of 7 business days after the person who is required under that subsection to give the copy of the certificate receives the copy.

**9 Period within which plan of work that includes work on sanitary drainage system must be supplied**

For the purposes of section 16 (4) of the Act, a plan of work, or copy of a plan of work, is required to be supplied under that section no later than:

- (a) 2 business days after the work is completed, or
- (b) if the plumbing and drainage work concerned is not inspected by the plumbing regulator in the period during which the work must be available for inspection by the plumbing regulator (as required by section 13 of the Act), 7 business days after the work is completed.

**10 Additional requirements for alternative solutions**

- (1) This clause applies to plumbing and drainage work that involves a proposed alternative solution.
- (2) The responsible person for plumbing and drainage work to which this clause applies must give the following documents and information to the plumbing regulator at the same time as the person gives to the plumbing regulator the relevant notice of work under section 9 of the Act:
  - (a) a letter from the person for whom the work is to be carried out indicating that the person is aware that an alternative solution is proposed to be used,
  - (b) in the case of plumbing and drainage work in respect of an installation that connects directly or indirectly with a network utility operator's water supply system or network utility operator's wastewater or sewerage system, a copy of the consent in writing of the network utility operator to the use of the alternative solution,
  - (c) evidence of the suitability of the proposed alternative solution in accordance with Part A2.2 of the *Plumbing Code of Australia*.

Maximum penalty: 20 penalty units.

- (3) A person who contracts with another person for that other person to carry out plumbing and drainage work to which this clause applies in relation to premises, and who is not the owner of the premises, must, within 5 business days after giving the letter referred to in

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Part 2 Plumbing and drainage work requirements

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subclause (2) (a) to the responsible person concerned, give a copy of the letter to the owner of the premises or the owner's agent.

Maximum penalty: 20 penalty units.

- (4) The plumbing regulator may, not later than 15 business days after receiving a notice of work under section 9 of the Act in relation to plumbing and drainage work to which this clause applies, give the responsible person for the work a notice in writing requiring the responsible person to provide such of the following documents and information to the plumbing regulator as the plumbing regulator specifies in the notice within the time specified in the notice:
- (a) expert assessments of a type specified in the notice in relation to the proposed alternative solution,
  - (b) information of a type specified in the notice in relation to the qualifications of experts whose advice on the proposed alternative solution was relied on by the responsible person,
  - (c) information of a type specified in the notice as to the design and suitability of the proposed alternative solution.
- (5) The responsible person for plumbing and drainage work to which this clause applies who receives a notice under subclause (4) must comply with the notice.

Maximum penalty: 20 penalty units.

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## Part 3 Exemptions

### 11 Exemptions for minor works relating to the giving of notices of work, ready-for-inspection notices and certificates of compliance

The following plumbing and drainage work is exempt from the operation of sections 9, 13 and 15 of the Act:

- (a) tap ware replacements,
- (b) kitchen, laundry or bathroom renovations, or replacement of fixtures such as sinks, toilets, basins and bidets, so long as no plumbing has been changed (that is, the location of the fixtures has not changed),
- (c) replacement of a hot water unit,
- (d) plumbing and drainage work to access a sewer line through an inspection opening or similar opening (including, for example, digging and exposing a sewer line and opening a section of a sewer line), but only if the work is for the purpose of preparing a sewer service diagram and no other plumbing and drainage work is undertaken.

**Note.** All the provisions of the Act (other than sections 9, 13 and 15) still apply to the plumbing and drainage work specified in clause 11, for example, sections 6 (Plumbing and drainage work to be carried out only by authorised persons), 7 (Plumbing and drainage work to comply with certain standards) and 16 (Supply of plans).

### 12 Exemptions for employees of network utility operators

- (1) An individual is exempt from the requirements of the provisions of Part 2 of the Act (except sections 6 and 7) in relation to plumbing and drainage work if:
  - (a) the individual is an employee or contractor of a network utility operator, and
  - (b) the work was incidental to other work that was not plumbing and drainage work and was carried out in the course of the individual's normal duties as an employee for the network utility operator or in the course of the work that the individual was contracted to do for the network utility operator.
- (2) Nothing in this clause exempts an owner or occupier of land who has control of a plumbing installation or a sanitary drainage system from the requirements of section 17 of the Act.

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Clause 13 Plumbing and Drainage Regulation 2012

Part 4 Miscellaneous

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### Part 4 Miscellaneous

#### 13 Fees

- (1) The fees payable under the Act for services provided by the plumbing regulator are set out in Schedule 1.
- (2) The fees payable under the Act for the provision of services delegated to a council by the plumbing regulator may be set by the council.

#### 14 Penalty notice offences and penalties

- (1) For the purposes of section 41 of the Act:
  - (a) each offence created by a provision specified in Column 1 of Schedule 2 is prescribed as a penalty notice offence, and
  - (b) the prescribed penalty payable under a penalty notice in respect of a penalty notice offence is:
    - (i) the amount specified in Column 2 of the Schedule, or
    - (ii) if the person alleged to have committed the offence is a corporation and a greater amount is specified in Column 3 of the Schedule, the amount specified in Column 3.
- (2) If the reference to a provision in Column 1 of Schedule 2 is qualified by words that restrict its operation to specified kinds of offences, an offence created by the provision is a prescribed offence only if it is an offence of a kind so specified or committed in the circumstances so specified.

#### 15 Staged commencement of Act and regulations

- (1) In this clause, *relevant utility area* has the same meaning as in clause 2 of Schedule 1 to the Act but does not include the area of operations of the Hunter Water Corporation.
- (2) For the purposes of clause 2 of Schedule 1 to the Act, 1 January 2013 is prescribed as the start date for the provisions of the Act (other than the provisions referred to in clause 2 (4) of that Schedule) in a relevant utility area.

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**Schedule 1 Fees**

(Clause 13 (1))

<b>Item</b>	<b>Service provided</b>	<b>Fee \$</b>
1	Inspection by regulator of plumbing and drainage work not covered elsewhere in this Schedule (up to 2 inspections)	185
2	Inspection by regulator of plumbing and drainage work involving alternative water supply system or recycled water supply system (up to 4 inspections)	380
3	Additional inspection by regulator of plumbing and drainage work covered by items 1 and 2	98 per inspection
4	Initial inspection by regulator of plumbing and drainage work involving alternative solution	228
5	Additional inspection by regulator of plumbing and drainage work involving alternative solution	98 per inspection
6	Additional fee for after hours inspection of plumbing and drainage work (on weekends, public holidays and week days before 8 am or after 4 pm)	782 per inspection

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Schedule 2 Penalty notice offences

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### Schedule 2 Penalty notice offences

(Clause 14)

<b>Column 1</b>	<b>Column 2</b>	<b>Column 3</b>
<b>Provision</b>	<b>Penalty</b>	<b>Penalty</b>
<b>Offences under the Act</b>		
Section 6 (1)	\$1,100	—
Section 7 (1)	\$1,100	—
Section 8	\$1,100	—
Section 9 (1)	\$1,100	—
Section 10 (3)	\$1,100	—
Section 11 (1) or (2)	\$1,100	—
Section 13 (1) or (5)	\$1,100	—
Section 14 (2) or (3)	\$1,100	—
Section 15 (1) or (2)	\$1,100	—
Section 16 (1)	\$1,100	—
Section 16 (2)	\$1,100	\$2,200
Section 37 (7)	\$1,100	—
Section 45	\$1,100	\$2,200
Section 46	\$220	—
<b>Offences under this Regulation</b>		
Clause 10 (2)	\$220	—
Clause 10 (3)	\$220	—
Clause 10 (5)	\$220	—

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