

Queensland



Explanatory Notes for SL 1998 No. 99

Sewerage and Water Supply Act 1949

STANDARD SEWERAGE LAW

FOREWORD

The Standard Sewerage Law is a key part of the Queensland legislation for managing sewerage utilities and the provision of sanitary plumbing and sanitary drainage on premises. When approved, the Standard Sewerage Law will be subordinate legislation under the *Sewerage and Water Supply Act 1949*.

The Standard Sewerage Law replaces previous subordinate legislation of the same name.

This document explains provisions of the Standard Sewerage Law and should be read with that publication.

The Standard Sewerage Law has been developed through several levels of consultation and discussed in a series of workshops involving local governments and industry.

A Regulatory Impact Statement was prepared and published in 1997 as required under the *Statutory Instruments Act 1992*. This RIS was a single document covering both the Standard Sewerage Law and the Standard Water Supply Law.

INTRODUCTION—ADMINISTRATION OF THE LEGISLATION

Maintaining the viability of Queensland's sewerage infrastructure requires commitment from the whole community including individuals,

companies and all levels of government. This includes but is not limited to authorities responsible for managing the systems themselves, the natural and built environment, water resources, and land use planning.

Key areas of government with important roles in ensuring that sewerage and waste disposal matters are adequately addressed are—

Department of Natural Resources. Responsibilities of this agency in the management of Queensland's water resources and sewerage services include maintaining the legislation and providing guidelines for local governments on various aspects of sewerage and drainage.

Department of Local Government and Planning. This agency leads regional and State planning, and integrates State policy objectives in local and regional planning processes and building matters.

Local governments. These agencies operate under delegated or devolved powers. They have an important role in managing the sewerage utilities and implementing the legislation.

To maximise the efficiency and effectiveness of sewerage utility management and the management of sanitary plumbing and sanitary drainage on premises, powers and responsibilities under the *Sewerage and Water Supply Act 1949* and its subordinate legislation are delegated to local governments. The delegated powers and responsibilities are defined in administrative procedures or in the legislation.

The intention is that local governments have sufficient powers to administer the legislation effectively, provided they have the expertise and resources to do so.

EXPLANATORY NOTES FOR THE STANDARD SEWERAGE LAW

Objectives of the legislation

The Standard Sewerage Law preserves the intent of the law in force immediately before the commencement of this law. It—

- repeals the Standard Sewerage Law in force immediately before the commencement of this law
- adopts the relevant parts of the National Plumbing and Drainage Code, AS 3500, in lieu of the technical provisions in the Standard Sewerage Law in force immediately before the commencement of this law
- adopts other Australian Standards and refers to an on site sewerage code
- removes outdated provisions relating to sewerage design and construction standards, allowing for the development of more appropriate local government standards and specifications based on guidelines such as the Department of Natural Resources Guidelines for Planning and Design of Sewerage Schemes
- removes references to repealed legislation and out of date titles and provisions which duplicate provisions in other legislation
- utilises those provisions in the Local Government Act setting out the duties and powers of local governments and their officers
- replaces outdated, inconsistent and redundant provisions with a Standard Law written to ensure consistency with fundamental legislative principles
- replaces the present State based system for sanitary plumbing and drainage product approval with the National Certification of Plumbing and Drainage Products Scheme
- separates the laws related to the management of sewerage and drainage utilities from those related to the control of sanitary plumbing and sanitary drainage on premises. This assists State and local government administration of the legislation in the short term and allows for the transfer of the sanitary plumbing and sanitary drainage component to more appropriate building related legislation without the need for a major redrafting of the legislation
- increases penalties throughout to reflect the seriousness of the offences and to match penalties in other local government legislation

- retains certain technical provisions not dealt with by the National Plumbing and Drainage Code
- removes uncertainties about the applicability of the Standard Sewerage Law to premises not served by sewerage.

Many local governments have begun to move their sanitary plumbing and sanitary drainage personnel into building related areas and, in accordance with National Competition policy requirements, have begun to restructure their sewerage operations along commercial lines. To remove impediments to such changes the laws relating to the management of sewerage utilities have been separated from those relating to the control of sanitary plumbing and sanitary drainage on premises. This is to facilitate the administration of the different parts of the legislation at both State and local government levels.

Matters covered by the regulatory impact statement

The regulatory impact statement provides—

- a brief statement of the way the policy objectives will be achieved by the Standard Sewerage Law and why this way of achieving them is reasonable and appropriate
- a brief explanation of how the Standard Sewerage Law is consistent with the policy objectives of the *Sewerage and Water Supply Act 1949* and other relevant legislation
- analyses of alternative ways of achieving the policy objectives (including the option of repealing the existing Standard Sewerage Law without replacement) and why the alternatives were not adopted
- a brief assessment of the benefits and costs of implementing the Standard Sewerage Law.

Fundamental legislative principles

The Standard Sewerage Law in force immediately before the commencement of this law was not consistent with fundamental legislative principles. One of the intents in preparing this law was to ensure its

consistency with those principles. For example, the Standard Sewerage Law now provides for appeals against decisions by local governments.

Consultation

There has been ongoing liaison between the Department of Natural Resources and the Department of Local Government and Planning.

Consultation has taken place with Queensland Health, Department of Environment, Department of Justice, Department of Emergency Services, Queensland Treasury, the Business Environment Unit of the Department of Tourism, Small Business and Industry, TAFE colleges, local governments and industry associations.

A Regulatory Impact Statement was prepared and published in 1997 as required under the *Statutory Instruments Act 1992* save for the requirement to state the specific provision of the authorising law under which the subordinate legislation was to be made. The authorising law, the *Sewerage and Water Supply Act 1949*, was identified.

The views of those consulted were taken into account during the development of the Standard Sewerage Law.

Explanation of each section of the law

NOTE: The subordinate legislation was drafted to be consistent with current legislative drafting practice and uses plain language. Also, the majority of the provisions in the legislation fully preserve the intent of the law in force immediately before the commencement of this law. As a consequence, particular sections and subsections require little or no specific further explanation. In this document, such sections are identified by headings alone or are summarised only in general terms.

CHAPTER 1—PRELIMINARY

PART 1—INTRODUCTION

1 Short title

This regulation may be cited as the Standard Sewerage Law.

2 Commencement

This section states when the Standard Sewerage Law commences.

3 Purpose of law

The Standard Sewerage Law makes provision for sewerage, sanitary conveniences and stormwater drainage, under section 5 of the Act and also prescribes prohibited substances for the purposes under section 17A of the Act.

4 Dictionary

The dictionary defines words and phrases used in the law.

5 References

This section clarifies the meaning of references to “a local government”, “an engineer”, “an inspector” and “a trade waste officer”.

6 Meaning of “applied provisions” and “glossary”

The following parts of the National Plumbing and Drainage Code, in the versions cited, are referred to as the “applied provisions” for sanitary plumbing and drainage purposes—

National Plumbing and Drainage Code—Part 0: Glossary of terms (designated as AS/NZS 3500.0: 1995)

National Plumbing and Drainage—Part 2.1: Sanitary plumbing and drainage—Performance requirements (designated as AS 3500.2.1-1996)

National Plumbing and Drainage—Part 2.2: Sanitary plumbing and drainage—Acceptable solutions (designated as AS/NZS 3500.2.2: 1996)

An amendment to the national code does not automatically become part of the applied provisions called up by this regulation.

7 Interpretation of applied provisions

Throughout the Standard Law, the terminology of the National Plumbing and Drainage Code has been used wherever possible and the words and expressions used in the regulation and in the national code have the same meaning unless they are otherwise defined in the dictionary. As a result, a number of terms in common use in Queensland will change. For example, “manhole” will become “access chamber”. Some other terms have also been changed where the term is inconsistent with the real meaning, for example, “house drain” will become “sanitary drain” thus making no direct or indirect reference to the type of premises the drain serves.

The dictionary in schedule 2 defines terms used only in the regulation as well as those which have a meaning within the context of the regulation which differs from the meaning given in the national code. The definitions in the dictionary take precedence over those in the national code.

8 Work not regulated by this law

Certain maintenance works commonly undertaken by householders are defined as works not regulated by this law.

PART 2—APPOINTMENTS

This part preserves the intent of the law in force immediately before the commencement of this law in relation to the requirements for engineers, inspectors and trade waste officers.

9 Engineers

10 Inspectors

11 Trade waste officers

PART 3—PROVISIONS AIDING ENFORCEMENT

12 Local government may direct owner to perform work

This section reflects a local government's responsibilities with respect to sewerage, and sanitary plumbing and sanitary drainage on premises. It sets out the variety of circumstances under which the local government can order work to be done.

CHAPTER 2—SEWERAGE SYSTEMS AND STORMWATER DRAINAGE

PART 1—ADMINISTRATION

13 Map of sewered area to be kept

A local government must keep a map showing the limits of its sewered area and the location of its sewers. The map must be readily available for public viewing at no charge.

The sewerage map helps owners plan development on their premises.

14 Access to sewerage system

This section requires that, within a declared sewered area, a local government must ensure that premises can be connected to a sewer. The local government's engineer must also decide where to locate the sewer and the connection points for sanitary drains. Those connection points must be located at or within the boundary of premises and be at a depth which will allow the premises to be serviced by a sanitary drain laid at a minimum grade.

These requirements remove some of the uncertainties in the law in force immediately before the commencement of this law. These include entitlements to connect to sewerage, the ownership of that part of the service between the property boundary and the sewer, the maintenance of sewers and sanitary drains and the access to premises to undertake such work.

The requirement for a connection point to be at a depth which will allow the premises to be serviced by a sanitary drain at a minimum grade is to ensure that premises can be connected to the sewer without cutting into the sewer and without the need to use specialised excavation or trenching equipment.

Under such requirements, the junction fitting, the branch pipe from the sewer to a property boundary and part or all of a vertical or graded jump up and any inspection opening is part of the sewer.

Through subsection (2) a local government may charge the owner of a premises the cost of upgrading a connection if the use of the premises changes.

15 Premises to connect to sewerage system

Sewerage is generally provided in urban areas where on-site sewage disposal or other forms of sewage collection and disposal are not acceptable for health, environmental, social or economic reasons. If sewerage is provided to premises, sanitary drainage on the premises must be connected to the sewerage.

16 Notice to connect to sewerage system or install on-site sewerage facility

A role of a local government is to ensure that all premises in its area have, or are connected to, adequate systems for the collection, treatment and disposal of sewage.

When sewerage or common effluent drainage is provided to an area, a local government may issue a notice to property owners to connect the premises to the sewerage or to the common effluent drainage. If the sewerage is in the form of common effluent drainage, the local government may require the owner of premises to install a septic tank to provide the necessary pre treatment of wastes as well as connecting the premises to the common effluent drainage.

Where no sewerage is provided, a local government may require the owner to install an on-site sewerage facility or another form of sanitary convenience.

PART 2—GENERAL PROVISIONS ABOUT SEWERAGE SYSTEMS

17 Interference with sewerage systems

Interference with sewerage may cause damage to the sewerage system,

create health problems and cause environmental harm. This section creates an offence for interfering with sewerage without the local government's permission.

18 Costs of repairing local government's sewerage system

If interference with sewerage results in damage to sewerage, a local government needs to recover the cost of rectifying the damage in addition to any penalty imposed for interference.

19 Building etc. over sewerage system

Building over sewerage will invariably impede access to it for maintenance purposes while alterations to ground surface levels may give rise to structural or operational problems or unwanted discharges of stormwater to sewerage. To ensure that such problems do not occur, a person must not build or alter the ground level over sewerage without the local government's approval.

PART 3—USE OF SEWERAGE SYSTEMS

20 Wastes to discharge to sewerage system

This section preserves the intent of the law in force immediately before the commencement of this law. In sewered areas, all human and liquid wastes from water closet pans, sinks, baths, clothes washers, dishwashers and similar fixtures on premises must be discharged into the sewerage if health and environmental problems are to be avoided.

21 Swimming pools

A wet weather overflow from a pool to sewerage could overload the sewerage and cause it to overflow. Backwash water from a swimming pool may also contain filter materials, which could cause blockages in drains or sewers. While it may be necessary to discharge overflow and backwash water to sewer, the conditions under which the discharge occurs must be closely controlled.

PART 4—PROVISIONS FOR PART 3A OF ACT

Division 1—Discharges into sewerage or stormwater drainage

22 Definition for div 1

The sectional definition of sewerage in section 17A of the Act differs from that used in and essential to the Standard Sewerage Law as a whole. As division 1 prescribes matters for section 17A of the Act, it must use the definition of sewerage in that section.

23 Prohibited substances

Sewage is predominantly “human waste” and other waterborne domestic wastes. Sewerage systems are designed to handle and treat such wastes. Admission of other substances, including stormwater or wastes from commercial or industrial activities (trade wastes), into sewerage systems involves risks of damage to or failure of the infrastructure and the treatment processes used to render the sewage fit for disposal to the environment. They can also involve health risks.

Stormwater is predominantly rainwater and stormwater drainage systems are designed to handle rainwater run-off. Admission of substances other than rainwater into stormwater drainage systems involves risks of damage to or failure of the infrastructure and may result in environmental harm.

This section establishes schedules of prohibited substances for sewerage and stormwater drainage to assist local governments in controlling and elimination of risks.

24 Trade waste approvals

Admission of trade wastes into sewerage systems involves risks of damage to or failure of the infrastructure and damage to the processes used to treat the sewage before treated effluent or sludge is released to the environment. A local government’s criteria for acceptance of trade wastes into sewers, as set out in its environmental plan about trade waste management, involve the control of or elimination of such risks.

There is no mandatory requirement for a local government to accept any trade waste discharge to its sewerage system. The fundamental rights in

this case lie with the local government and the domestic premises connected to the system. This section sets out the conditions under which a local government may approve the discharge of trade wastes to sewerage.

This section also sets conditions on the way certain premises are to be connected to sewerage to control the discharge of trade wastes to sewerage.

25 Costs of repairing damaged sewerage system

The discharge of a prohibited substance to sewerage may cause considerable damage, either by way of blockages or by damage to the system. Local governments must have the ability to recover the cost of repairs to the system resulting from such discharges, in addition to any penalty imposed.

Division 2—Suspension and cancellation of trade waste approval

26 Grounds for suspension or cancellation of trade waste approval

This section sets out the basis on which a local government may cancel or suspend an approval for the discharge of trade wastes to sewerage.

27 Procedure for suspension or cancellation of trade waste approval

This section sets out the procedure for the suspension or cancellation of an approval given to discharge trade waste to sewerage. It also provides the means to appeal against a decision to suspend or cancel the approval.

PART 5—DESIGN AND INSTALLATION OF SEWERAGE SYSTEMS

28 Approval needed

To ensure that health and environmental requirements are met, a local government's approval is required before a sewerage system is constructed.

Before an approval is given, a local government must be reasonably satisfied that pipes and fittings to be used in the sewerage system can withstand the loads that may happen under conditions of use and any chemical attack from the ground or the materials passing through the pipes and fittings.

This section also sets out certain basic requirements, which must be met in designing sewerage systems to ensure compatibility with existing systems.

29 Using and installing pipes and fittings

The law in force immediately before the commencement of this law required sewers to be constructed to a specification set out in the law. A local government will now be required to provide its own specification or approve another specification, for example, an Australian Standard, for pipes, fittings and materials. A person who constructs sewerage must use pipes and fittings complying with a specification provided by or approved by the local government; and install the pipes and fittings in the way specified.

This will allow local governments to develop appropriate local standards and specifications based on Australian Standards or guidelines such as the Department of Natural Resources' Guidelines for the Planning and Design of Sewerage.

All pipes, fittings and apparatus and all materials necessary for the connection of such pipes and fittings must comply with the local government's specification and any product or installation specification approved by the local government. However, the use of any materials, pipes and fittings may be prohibited where, in the engineer's opinion, the circumstances are unfavourable to their use. The engineer may also stipulate the use of additional protective coatings, linings or wrappings depending on the circumstances in which the pipes and fittings are used.

30 Sewers close to buildings, pipes and underground services

When the ground close to any building or outbuilding or any other pipe or underground service is excavated for the purpose of laying, repairing, or altering a sewer, the foundations of the building, or the pipe or underground service are potentially at risk of damage. A person in charge of such work must ensure that all practicable measures are taken to protect the building or outbuilding or pipe or underground service from any damage caused by, or attributable to, such work.

31 Sewers under buildings

Locating sewers under buildings is not good practice in view of the difficulties that can arise when access is required to maintain or repair pipes but there are circumstances where this cannot be avoided. Where a local government approves of a sewer being located under a building, this section sets out the conditions which must be observed.

32 Changing or relocating utility infrastructure

Where the construction of sewerage is likely to require the alteration or relocation of another pipe or underground service, the person in charge of the construction of the sewerage must give the owner of that pipe or underground service adequate notification before construction starts and ensure that all practicable measures are taken to protect the pipe or underground service.

33 Venting of sewers

In Queensland, it is normal practice to provide the essential ventilation for sewers by way of the vents on sanitary drains within premises. If the local government permits boundary traps, vents on sanitary drains cannot be used for this purpose and the sewers must be vented separately.

34 Protection of local government's sewerage system

Connecting new sewerage works to an existing sewerage system provides an opportunity for soil, construction debris or other unwanted materials to enter the existing system. To avoid the risk of blockages, care must be taken when making such connections.

35 Backfilling

For safety reasons, excavations must be backfilled as soon as practicable after work in the excavation is inspected and tested.

36 Junctions, jump ups and graded jump ups for sanitary drain connections

Sewers are frequently located at a level below that required to lay a sanitary drain at an appropriate gradient and at a reasonable depth. Consequently, a vertical or sloping section of pipe (a jump up or graded jump up) is required on the connection branch to join the sanitary drain to the sewer. The junction between the drain and the sewer must also be made in a specific way to ensure that there is no obstruction to the flow of sewage.

Jump ups and graded jump ups and the junction between the connection branch and the sewer must also be properly supported to prevent damage to the pipes from superimposed soil loads.

37 Steep slopes

In steeply sloping country additional precautions may be required to protect sewers. These include locating a sewer to avoid following the steepest slopes, laying the sewer on flatter gradients than the ground slope with vertical drops to maintain the minimum cover over the pipe or protecting the sewer by other means specified by the local government's engineer.

38 Access chambers

Access to sewers is necessary for maintenance purposes. This section indicates the points within a sewerage system where access must be provided.

PART 6—STORMWATER DRAINAGE

39 Local government may require stormwater to discharge to its stormwater drainage

This section preserves the intent of the law in force immediately before the commencement of this law. In areas where the local government provides drainage infrastructure, it may require stormwater to be discharged into its drainage system to ensure health and environmental problems are minimised.

40 Approval required to connect

If a local government is to effectively exercise its responsibilities with regard to the collection and safe disposal of stormwater in its area it must have knowledge of and approve the connections to the stormwater drainage.

41 Stormwater drainage to be separate from sanitary drainage and sewerage system

Sewage is predominantly “human waste” and sewerage systems are designed to safely handle and treat such wastes. Admission of stormwater into sewerage systems involves the risk of sewer overflows, the discharge of untreated sewage to the environment with the attendant health problems and failure of the treatment processes used to render sewage fit for disposal to the environment.

Stormwater is predominantly rainwater and stormwater drainage systems are designed to handle rainwater run-off. Admission of sewage into stormwater drainage systems results in the discharge of untreated sewage to the environment with the attendant health problems and environmental harm.

42 Cost of repairing damaged stormwater drainage

Like sewerage systems, stormwater drainage systems may sustain damage if prohibited substances are discharged to them. Local governments must have the ability to recover the cost of repairs to the system resulting from such discharges, in addition to any penalty imposed.

43 Interference with path of stormwater

The law in force immediately before the commencement of this law placed unnecessary and unintended constraints on the collection and storage of stormwater. This section now permits the collection of stormwater in dams, wetlands, tanks and ponds, provided no offensive material is allowed to accumulate.

CHAPTER 3—SANITARY PLUMBING AND SANITARY DRAINAGE

PART 1—GENERAL

44 Compliance with applied provisions

A person performing sanitary plumbing and sanitary drainage work in Queensland must comply with the relevant provisions of the National Plumbing and Drainage Code.

This section also extends the application of the National Code to all premises and installations in a local government's area. This ensures that sound sanitary plumbing and sanitary drainage principles are applied in all premises and installations.

45 Approval needed for sanitary plumbing and sanitary drainage work

If a local government is to effectively exercise its responsibilities with regard to public health and the collection, treatment and safe disposal of sewage in its area it must have knowledge of and approve sanitary plumbing and drainage within premises.

This section also allows local governments to exercise some flexibility in the way they deal with approvals.

46 Performing minor necessary work

The law in force immediately before the commencement of this law required licensed persons to obtain an approval for all emergency work and minor repairs of sanitary plumbing and drainage work. In practice that provision penalised honest practitioners. The need to obtain approval before starting work and inspection on completion disadvantaged a person who observed the law by adding an extra \$80-\$90 to each job while a person ignoring the requirement could always undercut the price for a service call. Under that law, local governments were also required to enforce the approval provision but they had no way of doing so as no mechanism existed for the work to be brought to their attention other than through the approval process.

This section covers “minor necessary work”, which by definition

includes emergency work (which actually may not be minor work in some cases) as well as minor work. It allows such work to be done without prior approval but requires the persons who did the work to notify the local government that the work has been done and to certify that it complies with the standard law. By relaxing the approval and inspection process, the monetary incentive to undertake such work outside the law is removed. A penalty applies if a licensed person fails to notify the local government.

While mandatory inspection of such work is not required, a local government may carry out audit inspections on such work to establish levels of compliance.

47 Certain items only to be used

This section preserves the intent of the law in force immediately before the commencement of this law in that only approved products may be used in sanitary plumbing and drainage installations. However, this law does not provide for the re-constitution of the State based product approval system as formerly administered by the Joint Committee. Instead, it requires that all plumbing and drainage products used have certification through the National Certification of Plumbing and Drainage Products Scheme. The transition from the State based product approval system to the national scheme has been taking place over a number of years and there are now only a small number of products with a current Joint Committee approval. When the present approvals expire, national scheme certification will be required for those products as set out in the Manual of Authorisation Procedures (MAP).

This section also allows local governments some discretion where the use of non-certified products is necessary to maintain an installation in its original form, for example, in a heritage building. A local government may request that such a product be tested before its use is approved.

48 Unsuitable apparatus, fittings, fixtures, materials and pipes

While a material, pipe, fitting, fixture or apparatus used in sanitary plumbing and drainage may have MAP certification, it cannot be assumed that it will be suitable for use in all circumstances. The use of a product may be prohibited where, in the inspector's opinion, the circumstances are unfavourable to its use. Alternatively, the inspector may stipulate the use of

another product or a product with a protective coating, lining or wrapping depending on the circumstances in which the pipes and fittings are used.

49 Inspection and testing before covering

The inspection and testing of new sanitary plumbing and drainage work is essential to ensure that health and safety and operational objectives are met. For all sanitary plumbing and drainage work, except the emergency and minor work permitted under section 46, this section preserves the intent of the law in force immediately before the commencement of this law.

50 Owner's duty

This section places the responsibility for keeping sanitary plumbing and drainage on premises in good condition and operating properly solely with the owner of the premises.

PART 2—INSTALLATIONS ON PREMISES

This part deals with the installation of sanitary fixtures and apparatus not covered by the national code. These sections preserve the intent of the law in force immediately before the commencement of this law.

Division 1—Arrestors

51 Arrestors

52 Requirements for grease arrestors

53 Connection of appliances and fixtures to grease arrestors

54 Operation and maintenance of arrestors

Division 2—Other installations

55 Bedpan washers and sanitisers

56 Taps above cleaner's sinks and slop hoppers**57 Commercial washing machines**

Where a clothes washer or dishwasher is used for a commercial purpose, the waste generated falls into the category of a trade waste and the disposal of the waste to sewerage must be subject to the local government's environmental plan about trade waste management.

58 Flushing bowl and pan room sinks**59 Floor type urinals****60 Urinal installations****61 Food waste disposal units**

Certain local governments do not permit the installation of food waste disposal units on the grounds that their sewage treatment plants cannot treat the additional organic load generated. Where a food waste disposal unit is used for a commercial purpose, the waste generated falls into the category of a trade waste and the disposal of the waste to sewerage must be subject to the local government's environmental plan about trade waste management.

62 Vent pipes to be covered**63 Vents in adjoining buildings**

Vents must be kept clear of openings in buildings to prevent odours and gases entering the building. This section provides a means for allocating cost if an existing vent must be altered to provide the necessary clearances from openings in a new adjacent building.

64 Fixtures in basements and cellars

PART 3—DESIGN AND INSTALLATION OF SANITARY DRAINS

Division 1—Installing sanitary drains

65 Changing or relocating utility infrastructure

Where the construction of a sanitary drain is likely to require the alteration or relocation of another pipe or underground service, the person in charge of the construction of the sanitary drain must give the owner of that pipe or underground service adequate notification before construction starts and ensure that all practicable measures are taken to protect the pipe or underground service.

66 Protection of local government's sewerage system

Connecting new sanitary drainage to an existing sewerage system provides an opportunity for soil, construction debris or other unwanted materials to enter the existing system. To avoid the risk of blockages, care must be taken when making such connections.

67 Disconnection of sanitary drains

If part or all of an installation on premises is dismantled and a sanitary drain is no longer needed, the drain must be effectively sealed to prevent the ingress of soil, stormwater or seepage water to the sewerage system and the escape of gases and odours from it.

68 Backfilling

For safety reasons, excavations must be backfilled as soon as practicable after work in the excavation is inspected and tested.

Division 2—Building property sewer for sanitary drains

The law in force immediately before the commencement of this law did not fully address the provision of sanitary drainage for premises such as school campuses, retirement villages, hospitals, group title developments and the like where there may be a number of buildings or a large building or a number of units, etc., on a single site.

The intention is that a local government will be able to stipulate that a portion of the sanitary drainage within such a site must be built to the same standard as the local government's sewerage (a property sewer). Sanitary drains from individual buildings or units, etc., would then be taken directly to the property sewer.

The provision of a property sewer will reduce the cost of sanitary drainage by permitting the use of the shallower gradients and higher pipe flow capacity normally used in sewerage design and simplifying the internal sanitary drainage system.

A property sewer would normally remain the property of the owner of the premises who would also be responsible for its maintenance. A property sewer would be connected to the local government's sewerage at an access chamber.

69 Building sewer for multi-building or large building sanitary drains

In this section the property sewer is referred to as the premises sewer.

70 Building sewer for premises group sanitary drains

In this section the property sewer is referred to as the premises group sewer.

PART 4—ON-SITE SEWERAGE FACILITIES

In the law in force immediately before the commencement of this law, a septic tank was considered to be the default form of on-site sewage treatment. Nevertheless other forms of sewage treatment installations were permitted.

With a range of alternative forms of treatment now available, it is no longer appropriate to structure this part of the law around the concept of a septic tank. Instead, this part was written on the basis of dealing with sewage on site. This part of the law provides for systems which treat the full sewage flow, for split systems which separately treat different parts of the sewage flow and for those where sewage or effluent is temporarily stored and disposed of away from the site.

71 Definition for pt 4

In practice this section limits the application of this part to on-site sewerage facilities that serve no more than 20 persons. Systems up to this size are those typically used for single domestic dwellings, small commercial premises and small residential complexes. The requirements for these facilities are not specifically covered under the Environmental Protection Act.

Larger capacity on-site sewerage facilities fall under the Environmental Protection Act and are not dealt with under the Standard Sewerage Law.

72 Approval needed

A responsibility of a local government is to ensure that all premises in its area have, or are connected to, adequate systems for the collection, treatment and disposal of sewage and that the systems used do not have an adverse effect on human health and safety or the environment. To assist in meeting these objectives, an on-site sewerage facility must not be installed, altered or removed without the local government's approval.

73 Limitations on local government approval

Most on-site sewerage facilities rely on water to transport wastes. Consequently, there must be an adequate and reliable supply of water for this purpose.

If human wastes are to be treated and safely disposed of on the site where they are generated, certain conditions must apply. The most important condition is that there is sufficient land of a suitable nature available to absorb all of the liquid effluent from a treatment plant on a long term basis. If this cannot be assured, an alternative means of disposing of the effluent must be found.

74 Standard for on-site sewerage facilities

To ensure that human health, safety and environmental objectives are met, on-site sewerage facilities must be approved types and be they must be installed in accordance with any conditions imposed in the approval of the type or imposed by the local government in approving the installation. The

operation of on-site sewerage facilities must also comply with the requirements of the on-site sewerage code

75 On-site sewerage code

The law requires on-site sewerage facilities to comply with an on-site sewerage code. The code consists of relevant Australian Standards and additional technical requirements for systems not covered by Australian Standards. The code is approved and published by the chief executive of the department in which the *Water Resources Act 1989* is administered.

76 Small septic tank requirements

There is an Australian Standard for Septic Tanks. But it is limited to tanks capable of serving a maximum of about 10 persons.

This law requires septic tanks to be designed, constructed, tested and installed in accordance with that Standard. It also extends those criteria in the Standard to tanks of a size greater than the maximum covered in the Standard.

77 Model approval

To ensure that human health, safety and environmental objectives are met, each particular prefabricated model of on-site sewage treatment plant, or prefabricated element of plant, intended for use in Queensland must be approved by the chief executive of the department in which the *Water Resources Act 1989* is administered.

The models must satisfy the requirements of the on-site sewerage code and the approval may be given on conditions, including conditions of manufacture, installation, operation, service and maintenance.

A time limit of 5 years applies for model approvals in recognition of the rate of development of new equipment and technologies in on-site sewage treatment. This time limit applies only to new plants offered for sale. Plants that have been installed under an existing approval are not affected.

78 Model requirements

This section requires a prefabricated on-site sewage treatment plant, or prefabricated element of plant, that is to be installed on premises, to have a current model approval and to be manufactured, installed, and then operated, serviced and maintained in accordance with any conditions of the model approval.

79 Type specification approval

To ensure that human health, safety and environmental objectives are met, an on-site sewage treatment plant, or element of a plant, constructed on premises in Queensland must comply with a type specification approved by the chief executive of the department in which the *Water Resources Act 1989* is administered.

A time limit of 5 years applies for approvals of type specifications in recognition of the rate of development of new equipment, methods and technologies in on-site sewage treatment.

80 Type specification requirements

This section requires an on-site sewage treatment plant, or element of a plant, that is to be constructed on site, to have a current type specification approval and to be constructed, and then operated, serviced and maintained in accordance with any conditions of the type specification approval.

81 False or misleading statement by builder, manufacturer or supplier

In the past, some manufacturers and suppliers have made incorrect claims concerning the approval status of on-site sewage treatment plants or have included in plants components other than those that have been approved.

A penalty now applies to address this issue.

82 Installation of on-site sewage treatment plant

To ensure that human health, safety and environmental objectives are met

a local government may only approve the installation of on-site sewage treatment plants that are approved models or conform to an approved type specification.

However, if a person has applied for model or type specification approval for an on-site sewage treatment plant, a local government may permit the installation of that plant for testing purposes only. Such an approval is subject to the condition that the plant must be removed if the chief executive of the department in which the *Water Resources Act 1989* is administered does not grant the model or type specification approval.

83 Disposal of contents of on-site sewerage facility

This section sets out the requirements for the disposal of the liquid and solid contents of an on-site sewerage facility when those contents are removed during maintenance operations. This includes the sludge that must be removed from the tanks forming part of an on-site sewage treatment plant every two to three years if the plant is to continue to function satisfactorily.

The disposal options are compatible with the waste transport and disposal requirements of the State's environmental protection legislation.

84 Disposal of effluent

This section requires that effluent from an on-site sewage treatment plant must be disposed of:

- on the site by way of an approved disposal system; or
- to a common effluent drainage system; or
- to an approved place off the site.

85 On-site sewerage facilities in sewered areas

Sewerage is generally provided in urban areas where on-site sewage disposal or other forms of sewage collection and disposal cannot be used for health, environmental, social or economic reasons. If sewerage is provided to premises, on-site sewerage facilities no longer required must,

for health and safety reasons, be emptied, the contents disposed of appropriately, and tanks must then be sealed, filled in or dismantled.

86 Sewage and effluent storage tanks

For premises outside a sewerage area it may not always be possible to dispose of sewage on site. This section provides for the use of a tank for the temporary storage of raw sewage, or effluent after treatment on site, before it is disposed of elsewhere.

The tanks used for this purpose must be designed, constructed and tested in accordance, as far as is practicable, with AS 1546.

87 Location

Disposal areas for on-site sewerage facilities must be located sufficiently clear of dwellings, pools, water sources and property boundaries to ensure that the effluent is safely disposed of within the site. It is also necessary to remove sludge from treatment plants on a regular basis and pump-out points must be readily accessible.

88 Operation and maintenance

If an on-site sewerage facility is to continue to function satisfactorily, the system must be maintained on a regular basis and in accordance with any conditions set under a model, type specification or installation approval. To minimise the risk of health and environmental problems, defective systems must be repaired. Dismantling a system, or removing parts of it, for purposes other than maintenance may cause the system to malfunction.

89 Servicing on-site sewerage facilities

Many on-site sewage treatment plants, particularly those that utilise more than one stage of treatment, require regular and skilled servicing if they are to continue to function satisfactorily. A condition of approval for such plants is that they are serviced on a regular basis and that the service reports are sent to the local government. In the event of an unsatisfactory service report, a local government would issue a notice ordering remedial action be taken.

A penalty applies if a person who services a sewage treatment plant gives to the local government, or the owner, a service report containing information that the person knows is false, misleading or incomplete in a material particular.

90 Cleaning and maintaining on-site sewerage facilities

The contents of tanks forming on-site sewerage facilities have the capacity to cause health and environmental problems if handled or disposed of inappropriately and must not be removed from tanks for other than cleaning or maintenance purposes.

91 Permissible and prohibited discharges

On-site sewerage facilities are designed primarily for the treatment and disposal of human wastes, and other waterborne domestic wastes, on the site where the wastes are generated. Prohibited wastes for sewerage are also prohibited wastes for on-site sewerage facilities. The discharge of prohibited wastes to an on-site sewerage facility will cause its treatment plant to malfunction and the effluent disposal system may also be damaged.

This part of the Standard Law does not deal with treatment plants specifically designed to treat trade wastes.

92 Disposal of sewage other than human wastes

In some circumstances outside a sewered area, a premises may have a nightsoil service or an on-site sewerage facility designed to deal only with that part of the sewage flow containing urine or faecal material (i.e. human wastes). In such circumstances, a local government may require that sewage (other than human wastes) generated on the site be disposed of in a particular way to ensure that it does not pose a problem to human health or the environment.

93 On-site sewerage facility no longer required

For health and safety reasons, when an on-site sewerage facility is no longer required it must be emptied, the contents disposed of appropriately, and tanks must then be sealed, filled in or dismantled.

CHAPTER 4—MISCELLANEOUS**PART 1—APPEALS**

This part now provides an avenue for persons dissatisfied with certain decisions to appeal to a Magistrates Court against the decision. Matters open to appeal include—

- (a) a decision of a local government—
 - to refuse to give an approval under the regulation, or
 - to give an approval on conditions, or
 - to require a person to perform specified work, or
 - to suspend or cancel an approval, or
 - to suspend or cancel a trade waste approval; and
- (b) a decision of the chief executive of the department in which the *Water Resources Act 1989* is administered—
 - to refuse to give an approval under the regulation, or
 - to give an approval on conditions, or
 - to suspend or cancel an approval; and
- (c) a failure of a local government or the chief executive of the department in which the *Water Resources Act 1989* is administered to make a decision.

94 Definition for pt 1**95 Appeals to court****96 Starting appeals****97 Time for making appeals****98 Stay of operation of decision**

99 Powers of court on appeal**100 Effect of decision of court on appeal****101 Appeal to District Court on question of law only****PART 2—OTHER MATTERS****102 Interaction with IPA**

This section means that a person does not have to obtain two approvals for the same action, one under the Standard Sewerage Law and another under IPA. It also prevents the use of the Standard Sewerage Law to circumvent the refusal of a development permit under IPA.

PART 3—TRANSITIONAL**103 Definitions for pt 3**

This section defines terms for the transitional provisions.

104 Maintenance of existing combined sanitary drains

The law in force immediately before the commencement of this law permitted the use of a single sanitary drain to connect two or more premises to sewers. In practice this resulted in inferior sanitary drainage systems and frequently involved local governments in disputes over costs where maintenance of the combined section of drain was required. At the request of a number of local governments, this law does not permit the installation of combined sanitary drains. However, this section preserves the means for local governments to resolve disputes over the maintenance of existing installations.

105 Interim on-site sewerage code

A number of Australian Standards dealing with various aspects of on site sewerage facilities are in the course of preparation. Technical requirements for matters that will be covered by these Standards are currently contained

in the interim on-site sewerage code. As each Australian Standard is published it will be added to the on-site sewerage code under section 75. At the same time, the interim on-site sewerage code will be amended by the deletion of those technical requirements now covered by the Australian Standard.

106 Existing product authorisations by the Joint Committee

The law in force immediately before the commencement of this law provided for products used in sanitary plumbing and sanitary drainage to be authorised by the Joint Committee.

This law does not provide for the re-constitution of a State based product approval system but instead requires that all sanitary plumbing and sanitary drainage products used have certification through the National Certification of Plumbing and Drainage Products Scheme. The transition from the State based product approval system to the national scheme has been taking place over a number of years and there are now only a small number of products with Joint Committee approval. Products with current Joint Committee approval may continue to be used but when the present approvals expire, national scheme certification will be required for those products as set out in the Manual of Authorisation Procedures.

107 Existing approvals by local government

Local government approvals in force before the commencement of this law continue until the approval expires.

108 Existing approvals by chief executive

Approvals of prefabricated sewage treatment plants by the chief executive of the department in which the *Water Resources Act 1989* is administered, in force before the commencement of this law, continue until the approval expires.

109 Work planned, approved or lawfully started before commencement

This section sets out transitional arrangements for sewerage, sanitary

plumbing and sanitary drainage work in progress at the commencement of this law. Provision is made for a local government to grant approval in accordance with the law in force before the commencement of this law where:

- (a) the work has started before the commencement of this law; or
- (b) approval of the local government has been granted but the work has not started before the new law comes into operation; or
- (c) approval of the local government has been sought but approval has not been granted before the commencement of this law; or
- (d) planning for the work has started before the commencement of this law and the local government is of the opinion that to require the work to be re-designed to conform with the new law would cause hardship to the person for whom the work is to be carried out.

110 Changes to existing work

Generally, any alterations of, or additions to, existing work made after the commencement of this law must conform to the provisions of this law. However, if the local government is of the opinion the protection of public health and safety would not be impaired, the local government may permit all or part of the alterations or additions to be carried out in accordance with the law in force immediately before commencement.

111 Certain unsafe existing work to be changed to comply with this law

Generally, existing work need not be brought into conformance with this law. However, where alterations and additions are made to existing works, and the local government is of the opinion that the existing work may be a risk to public health or safety, the local government may require the whole or part of the existing work be brought into conformity with this law or with certain provisions of this law.

112 Carrying out work approved under this part

To ensure that the transitional provisions of this law do not apply

indefinitely, work approved by a local government under the transitional provisions of sections 109 to 111 must be started and completed within the periods stated in this section.

The stated periods are compatible with those applicable for building approvals.

PART 4—REPEAL

113 Repeal

This section repeals the Standard Sewerage Law that was in force immediately before the commencement of this law.

ENDNOTES

1. Laid before the Legislative Assembly on . . .
2. The administering agency is the Department of Natural Resources.