

South Australia

# **South Australian Public Health (Wastewater) Regulations 2013**

under the *South Australian Public Health Act 2011*

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## **Contents**

### Part 1—Preliminary

- 1 Short title
- 3 Interpretation
- 4 Prescribed codes
- 5 On-site wastewater systems
- 6 Relevant authority

### Part 2—Establishment of community wastewater management systems

- 7 Interpretation
- 8 Public notification of proposed community wastewater management system
- 9 Connection to community wastewater management system
- 10 Exemptions

### Part 3—Wastewater system requirements

- 11 Wastewater works
- 12 Operation, maintenance and servicing of wastewater systems
- 13 Reuse or disposal of wastewater from wastewater systems
- 14 Sale of on-site wastewater systems
- 15 Exemptions from prescribed codes

### Part 4—Approvals

#### Division 1—Product approvals

- 16 Application
- 17 Determination of application
- 18 Duration of approval
- 19 Conditions of approval
- 20 Identification of manuals
- 21 Revocation of approval
- 22 Register of product approvals

#### Division 2—Wastewater works approvals

- 23 Application
- 24 Determination of application
- 25 Conditions of approval
- 26 Expiry of approval
- 27 Registers of wastewater works approvals

## Part 5—Enforcement

- 28 Inspections and testing
- 29 Requirement to obtain expert report

## Part 6—Miscellaneous

- 30 Reuse of wastewater from SA Water sewerage infrastructure
- 31 False or misleading statements
- 32 Access to codes, standards etc
- 33 Fees

## Schedule 1—Fees

## Schedule 2—Transitional provisions

### Part 2—Transitional provisions

- 2 Interpretation
- 3 Modification of prescribed code
- 4 Product approvals
- 5 Wastewater works approvals
- 6 Notices under regulation 24 of revoked regulations

## Legislative history

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# Part 1—Preliminary

## 1—Short title

These regulations may be cited as the *South Australian Public Health (Wastewater) Regulations 2013*.

## 3—Interpretation

- (1) In these regulations, unless the contrary intention appears—

*Act* means the *South Australian Public Health Act 2011*;

*capacity* of a wastewater system—see subregulation (2);

*community wastewater management system* means a system for the collection and management of wastewater generated in a town, regional area or other community, but does not include SA Water sewerage infrastructure;

*contravention* includes failure to comply;

*EP*—see subregulation (2);

*installation* of a wastewater system includes the commissioning of the system;

*management* of wastewater includes treatment, reuse and disposal of wastewater;

*mandatory notification stage*—see regulation 25(2)(a)(i);

*on-site wastewater system*—see regulation 5;

**operator** of a wastewater system means—

- (a) in the case of an on-site wastewater system—the owner of the premises on which the system is located;
- (b) in the case of a community wastewater management system—the council or other person responsible for the operation of the system;

**prescribed code**—see regulation 4;

**prescribed expiable condition**—see regulation 25(2)(a);

**product approval**—see Part 4 Division 1;

**relevant authority**—see regulation 6;

**revoked regulations** means the *Public and Environmental Health (Waste Control) Regulations 2010*;

**SA Water** means South Australian Water Corporation;

**SA Water sewerage infrastructure** means sewerage infrastructure (within the meaning of the *Water Industry Act 2012*) owned or operated by SA Water;

**sell** includes offer for sale or possess for the purpose of sale;

**technical specifications** includes technical, scientific and engineering details, plans, drawings and specifications;

**wastewater engineer** means an engineer who—

- (a) is a member of the Institution of Engineers, Australia of the category "Chartered Professional Engineer" or is registered on the National Professional Engineers Register administered by that Institution; and
- (b) has experience in wastewater system or geotechnical engineering;

**wastewater system** means—

- (a) an on-site wastewater system; or
- (b) a community wastewater management system;

**wastewater works** means—

- (a) the installation of a wastewater system (including a temporary system) or part of a community wastewater management system; or
- (b) the alteration of a wastewater system involving—
  - (i) a change to the capacity of the system; or
  - (ii) a change in the type of system used for collecting or managing wastewater; or
- (c) the decommissioning of a wastewater system (excluding a temporary system); or
- (d) the connection of a wastewater system to a community wastewater management system or the disconnection of a wastewater system from a community wastewater management system; or

- (e) the connection of a community wastewater management system to SA Water sewerage infrastructure or the disconnection of a community wastewater management system from SA Water sewerage infrastructure;

*wastewater works approval*—see Part 4 Division 2.

- (2) For the purposes of these regulations, the *capacity* of a wastewater system is to be determined in accordance with the prescribed codes and is expressed as a number of equivalent persons (*EP*) or a number of litres.

#### 4—Prescribed codes

- (1) The following are prescribed codes:

- (a) in relation to an on-site wastewater system—the *On-site Wastewater Systems Code* published by the Minister, as in force from time to time, together with the standards or other documents prepared or published by a prescribed body, as in force from time to time, referred to in the code;

**Note—**

The code is modified as set out in Schedule 2 Part 2 clause 3.

- (b) in relation to a community wastewater management system—the *Community Wastewater Management Systems Code* published by the Minister, as in force from time to time, together with the standards or other documents prepared or published by a prescribed body, as in force from time to time, referred to in the code.

- (2) For the purposes of subregulation (1), the following are prescribed bodies:

- (a) Standards Australia;
- (b) National Health and Medical Research Council;
- (c) Environment Protection and Heritage Council;
- (d) SA Water;
- (e) Local Government Association of South Australia;
- (f) Water Services Association of Australia Limited;
- (g) a Minister or administrative unit of the Public Service.

- (3) For the purposes of section 109(6)(c) of the Act, a copy of each of the prescribed codes will be available for inspection at the following address:

Public Health  
Level 1  
Citi Centre  
11-13 Hindmarsh Square  
Adelaide SA 5000.

#### 5—On-site wastewater systems

- (1) For the purposes of these regulations, an *on-site wastewater system* is a system used on premises for the on-site collection and management of wastewater generated at the premises where—

- (a) the wastewater collected and managed is predominantly—

- (i) human waste either alone or in combination with water; or
  - (ii) water that has been used in washing, laundering, bathing or showering; or
  - (iii) water containing food or beverage waste; or
  - (iv) water containing other trade waste; or
  - (v) a combination of the above; and
- (b) some or all of the wastewater is reused or disposed of by means other than disposal to a community wastewater management system or to SA Water sewerage infrastructure,

and includes any associated irrigation or other system for the disposal of the wastewater on land other than that from which the wastewater is collected.

- (2) An *on-site wastewater system* includes (but is not limited to) a septic tank, waterless composting toilet, or an aerated wastewater treatment system, to which AS/NZS 1546 applies.
- (3) An *on-site wastewater system* may, but need not, be connected to a community wastewater management system or to SA Water sewerage infrastructure.

## 6—Relevant authority

- (1) The relevant authority for a matter relating to an on-site wastewater system with a capacity that does not, or will not, on completion of wastewater works, exceed 40 EP and that is located or to be located in a council area is—
  - (a) subject to paragraph (b)—the council; or
  - (b) if the system is to be operated by the council or wastewater works related to the system are to be undertaken by the council, or by a person acting in partnership, or in conjunction, with the council—the Minister or any other council that agrees to act as the relevant authority.
- (2) The relevant authority in any other case under these regulations is the Minister.
- (3) Without limiting subregulation (1), a matter relating to an on-site wastewater system of a kind referred to in that subregulation includes the following:
  - (a) an application for a wastewater works approval relating to the system;
  - (b) an application for an exemption relating to the system;
  - (c) any variation or revocation of conditions of a wastewater works approval or exemption relating to the system;
  - (d) any requirement for the provision of certificates or other documents relating to the system or wastewater works relating to the system;
  - (e) any requirement for notification of the sale of land on which the system is located.

## **Part 2—Establishment of community wastewater management systems**

### **7—Interpretation**

In this Part—

*prescribed details*, in relation to a community wastewater management system, means the following details:

- (a) details of the nature and type of system;
- (b) a description of any land that would be benefited by the system;
- (c) an estimate of the costs of the system;
- (d) particulars of the manner in which the system would be financed, including the manner in which the capital and operating costs would be recovered;
- (e) details of any plans and specifications relating to the system that are available for public inspection.

### **8—Public notification of proposed community wastewater management system**

- (1) If a council proposes to establish a community wastewater management system for the whole or part of its area in the interests of public and environmental health, the council must give notice to the owners of land in the area affected by the proposal containing the prescribed details relating to the proposal and inviting submissions in relation to the proposal within a period (which must be at least 21 days) specified in the notice.
- (2) The council must consider any submissions made in response to the notice and may abandon the proposal or proceed with it with such modifications as it thinks fit.
- (3) If the council resolves to proceed with the community wastewater management system, it must obtain a wastewater works approval from the Minister in accordance with these regulations.

### **9—Connection to community wastewater management system**

- (1) On obtaining a wastewater works approval for a community wastewater management system, a council may, by written notice, require the operator of an on-site wastewater system—
  - (a) to connect the system to the community wastewater management system; and
  - (b) for that purpose, to complete and submit an application to the relevant authority, within the period specified in the notice, for a wastewater works approval for—
    - (i) the connection; and
    - (ii) if necessary, consequential alterations to the on-site wastewater system.

- (2) A notice under subregulation (1) must contain the prescribed details relating to the community wastewater management system (adjusted to reflect the council's resolution to proceed with the system and any conditions of the wastewater works approval for the system).
- (3) The operator of an on-site wastewater system must not, without reasonable excuse, fail to submit an application in accordance with a notice given to the person under subregulation (1).  
Maximum penalty: \$1 250.  
Expiation fee: \$160.
- (4) If the operator of an on-site wastewater system does not submit an application within the period specified in a notice under subregulation (1), the relevant authority may grant a wastewater works approval for the required wastewater works as if the application had been made.
- (5) If a wastewater works approval is granted for the connection of an on-site wastewater system to a community wastewater management system required under this regulation, the operator of the on-site wastewater system must carry out the wastewater works in accordance with the approval.  
Maximum penalty: \$5 000.  
Expiation fee: In the case of an offence comprising a contravention of a prescribed expiable condition—\$315.
- (6) If wastewater works are not carried out in accordance with a wastewater works approval for the connection of an on-site wastewater system to a community wastewater management system required under this regulation, the relevant authority may cause the requirements to be carried out (and a person authorised to do so by the relevant authority may enter land at any reasonable time for the purposes of carrying out the relevant work).
- (7) The relevant authority may recover as a debt the costs and expenses reasonably incurred in exercising a power under subregulation (6) and the fee that would have been payable had the application been made as required under subregulation (1) from the person who failed to comply with the notice.
- (8) A person must not, without reasonable excuse, hinder or obstruct a person carrying out work at the direction of the relevant authority under subregulation (6).  
Maximum penalty: \$5 000.

## **10—Exemptions**

- (1) The operator of an on-site wastewater system may apply to the relevant council for an exemption from compliance with regulation 9.
- (2) The Minister may issue binding directions to councils about the granting of exemptions under this regulation.
- (3) An exemption must be given by the council by written notice and is subject to conditions stated in the notice.
- (4) An exemption may be varied or revoked by the council by further written notice to the holder of the exemption.

- (5) A person who has been exempted from compliance with regulation 9 must not contravene a condition of the exemption.

Maximum penalty: \$5 000.

## Part 3—Wastewater system requirements

### 11—Wastewater works

- (1) A person undertaking wastewater works or causing wastewater works to be undertaken must ensure that the following requirements are met:
- (a) in the case of the installation of an on-site wastewater system, the system must be the subject of a product approval;
  - (b) in any case, the works must be undertaken in accordance with—
    - (i) a wastewater works approval for the works; and
    - (ii) the prescribed codes to the extent that they are applicable.

Maximum penalty: \$5 000.

Expiation fee: In the case of an offence against paragraph (b)(i) comprising a contravention of a prescribed expiable condition—\$315.

- (2) A suitably qualified person who has undertaken wastewater works subject to a wastewater works approval must, within 28 days after completing the work, provide the relevant authority, and the owner or occupier of the land on which the work was undertaken, with—
- (a) a certificate in a form approved by the Minister signed by the person or another suitably qualified person certifying that the work has been undertaken in accordance with the wastewater works approval; and
  - (b) in the case of the installation of pipes, fittings or other system components or equipment—a detailed drawing showing all pipes, fittings, components or equipment installed, including their position and dimensions.

Maximum penalty: \$5 000.

Expiation fee: \$315.

- (3) In this regulation—

***suitably qualified person*** means—

- (a) the holder of a plumbing contractors licence under section 7(1)(a) of the *Plumbers, Gas Fitters and Electricians Act 1995*; or
- (b) the holder of a plumbing contractors licence under section 7(1)(d)(i) of that Act subject to conditions limiting the work that may be performed under the authority of the licence to sanitary plumbing work or draining work; or
- (c) the holder of a plumbing workers registration under section 14(1)(a) of that Act; or
- (d) the holder of registration as a plumbing worker under section 14(1)(d)(i) of that Act subject to conditions limiting the work that may be carried out under the authority of the registration to sanitary plumbing work or draining work.



## 12—Operation, maintenance and servicing of wastewater systems

- (1) The operator of a wastewater system must ensure that the system is operated, maintained and serviced in accordance with—
- (a) any conditions of a wastewater works approval relating to the system (whether granted before or after the person became the operator of the system); and
  - (b) the prescribed codes to the extent that they are applicable.

Maximum penalty: \$5 000.

Expiation fee: In the case of an offence against paragraph (a) comprising a contravention of a prescribed expiable condition—\$315.

- (2) A person who maintains or services a wastewater system must do so in accordance with—
- (a) any conditions of a wastewater works approval relating to the system; and
  - (b) the prescribed codes to the extent that they are applicable.

Maximum penalty: \$5 000.

Expiation fee: In the case of an offence against paragraph (a) comprising a contravention of a prescribed expiable condition—\$315.

## 13—Reuse or disposal of wastewater from wastewater systems

- (1) The operator of a wastewater system must ensure that wastewater from the system is not reused or disposed of to land or otherwise unless—
- (a) the reuse or disposal is authorised by conditions of a wastewater works approval relating to the system (whether granted before or after the person became the operator); and
  - (b) the wastewater is reused and disposed of in accordance with—
    - (i) those conditions; and
    - (ii) the prescribed codes to the extent that they are applicable.

Maximum penalty: \$5 000.

Expiation fee: In the case of an offence against paragraph (b)(i) comprising a contravention of a prescribed expiable condition—\$315.

- (2) A person must not reuse or dispose of wastewater from a wastewater system except in accordance with—
- (a) any conditions of a wastewater works approval relating to the system; and
  - (b) the prescribed codes to the extent that they are applicable.

Maximum penalty: \$5 000.

Expiation fee: In the case of an offence against paragraph (a) comprising a contravention of a prescribed expiable condition—\$315.

## 14—Sale of on-site wastewater systems

A person must not sell a system for use as an on-site wastewater system unless—

- (a) the system—

- (i) is the subject of a product approval; and
  - (ii) in the case of a pre-fabricated system, bears the marking required by the prescribed codes (either as in force at the time of the approval or as in force at the time of the sale); and
- (b) copies of the manuals for the system referred to in the product approval (either as in force at the time of the approval or as in force at the time of the sale) are provided to the purchaser of the system.

Maximum penalty: \$5 000.

Expiation fee: \$315.

## 15—Exemptions from prescribed codes

- (1) A person may apply to the relevant authority for an exemption from compliance with specified provisions of these regulations requiring compliance with the prescribed codes for a specified activity to be undertaken by the person.
- (2) The Minister may issue binding directions to councils about the granting of exemptions under this regulation.
- (3) An exemption must be given by the relevant authority by written notice and is subject to conditions stated in the notice.
- (4) An exemption extends to each person involved in the activity to which the exemption relates.
- (5) An exemption may be varied or revoked by the relevant authority by further written notice to the holder of the exemption.
- (6) A person who has been exempted from compliance with specified provisions of these regulations must not contravene a condition of the exemption.

Maximum penalty: \$5 000.

## Part 4—Approvals

### Division 1—Product approvals

#### 16—Application

- (1) A person who has designed or proposes to manufacture, construct or sell an on-site wastewater system may apply to the Minister for a product approval in relation to the system.
- (2) An application for a product approval must—
  - (a) be made to the Minister in a manner and form determined by the Minister; and
  - (b) be accompanied by—
    - (i) technical specifications for the wastewater system; and
    - (ii) manuals as contemplated by the prescribed codes; and
    - (iii) a statement of the expected service life of the system and its components; and

- (c) include, or be accompanied by other information or documents required to be supplied by the form or the prescribed codes (which may include a certificate of an independent wastewater engineer in relation to the wastewater system or other factors); and
  - (d) be accompanied by the fee fixed by Schedule 1.
- (3) The Minister may, by written notice, ask the applicant to provide the Minister with further technical specifications, information or documents relevant to the application or to modify the technical specifications or manuals accompanying the application.

### **17—Determination of application**

The Minister may refuse to grant a product approval—

- (a) if the applicant fails to satisfy the Minister of 1 or more of the following:
  - (i) that the technical specifications for the wastewater system comply with the prescribed codes;
  - (ii) that the wastewater system is suitable for its purpose;
  - (iii) that the wastewater system will not, if properly installed and operated, adversely affect or threaten public or environmental health;
  - (iv) that the manuals required to accompany the application are suitable;or
- (b) for any other sufficient reason.

### **18—Duration of approval**

- (1) A product approval expires 5 years after it is granted or, if a lesser period is specified in the instrument of approval, at the end of the specified period.
- (2) However, an application may be made for a further product approval for the same wastewater system.

### **19—Conditions of approval**

- (1) A product approval is subject to the conditions specified by the Minister in the instrument of approval.
- (2) The Minister may, for example, grant an approval subject to a condition—
  - (a) that specifies requirements relating to—
    - (i) the design, manufacture or construction of the wastewater system; or
    - (ii) a quality assurance scheme for the manufacture or construction of the wastewater system; or
  - (b) that requires the holder to monitor the performance of wastewater systems that have been installed and to report the findings to the Minister; or
  - (c) that requires records of a specified kind to be created, maintained, and provided to the Minister or a person nominated by the Minister.
- (3) A condition of approval may—
  - (a) provide that a matter or thing is to be determined according to the discretion of the Minister or some other specified person or body; and

- (b) operate by reference to a specified code as in force at a specified time or as in force from time to time.
- (4) If a code is referred to in a condition of approval—
  - (a) a copy of the code must be kept available for inspection by members of the public, without charge and during normal office hours, at the principal office of the Department; and
  - (b) evidence of the contents of the code may be given in any legal proceedings by production of a document apparently certified by the Minister to be a true copy of the code.
- (5) The Minister may, on application in a form approved by the Minister and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a product approval.
- (6) The Minister may, on the Minister's own initiative, by written notice to the holder of a product approval, vary or revoke a condition of the product approval or impose a further condition, but in that case, the variation, revocation or imposition may not take effect until at least 6 months after the giving of the notice unless—
  - (a) the holder of the approval consents; or
  - (b) the Minister states in the notice that, in his or her opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.
- (7) A person to whom a product approval is granted must ensure that the conditions of the approval are complied with.  
Maximum penalty: \$5 000.

## 20—Identification of manuals

- (1) A product approval must identify the manuals to be supplied to a purchaser of the wastewater system.
- (2) The Minister may, on application by the holder of a product approval and payment of the fee fixed by Schedule 1, vary the product approval so as to refer to a new version of a manual.

## 21—Revocation of approval

- (1) The Minister may, by written notice to the holder of a product approval, revoke the approval if satisfied that—
  - (a) the approval was obtained improperly; or
  - (b) a condition of the approval has been contravened.
- (2) Before the Minister revokes a product approval, the Minister must—
  - (a) give the holder of the approval written notice of the Minister's proposed action specifying reasons for the proposed action; and
  - (b) allow the holder of the approval at least 14 days within which to make submissions to the Minister in relation to the proposed action.

## 22—Register of product approvals

- (1) The Minister must keep a register of product approvals granted under these regulations.
- (2) The register must include, in relation to each product approval, a statement of—
  - (a) the date of the approval; and
  - (b) the name and contact address of the holder of the approval; and
  - (c) the duration of the approval; and
  - (d) the type of wastewater system approved; and
  - (e) if the approval has been revoked, a note of that fact and the date of the notice of revocation.
- (3) The register may be extended to include product approvals granted under the revoked regulations.
- (4) The register must be kept up-to-date, including by noting the date of any variation or revocation of conditions of approval or the imposition of further conditions of approval.
- (5) The register must be kept available for inspection by any person during ordinary office hours at the principal office of the Department and the register or extracts of the register may be made available to the public by electronic means.
- (6) The register may include other information considered appropriate by the Minister, but that information need not be made available to the public.
- (7) A person may, on payment of the fee fixed by Schedule 1, obtain a copy of any part of the register (except a part containing information that need not be made available to the public).

## Division 2—Wastewater works approvals

### 23—Application

- (1) An application for a wastewater works approval must—
  - (a) be made to the relevant authority in a form determined by the Minister; and
  - (b) be accompanied by the technical specifications for the wastewater works; and
  - (c) if the works comprise the installation or alteration of a wastewater system—be accompanied by proposed conditions for the operation, maintenance and servicing of the system or the system as altered (as the case requires); and
  - (d) if it is proposed that wastewater from the wastewater system be reused or disposed of—be accompanied by proposed conditions for the reuse or disposal of the wastewater; and
  - (e) include, or be accompanied by other information or documents required to be supplied by the form or the prescribed codes (which may include a certificate of an independent wastewater engineer in relation to the wastewater system or wastewater works concerned); and
  - (f) be accompanied by the fee fixed by Schedule 1.

- (2) The relevant authority may, by written notice, ask the applicant to provide the relevant authority with further technical specifications, information or documents relevant to the application or to modify the technical specifications submitted for approval.

## 24—Determination of application

- (1) The relevant authority may refuse to grant a wastewater works approval—
  - (a) if the applicant fails to satisfy the relevant authority of either or both of the following:
    - (i) that the technical specifications for the wastewater works comply with the prescribed codes;
    - (ii) that the wastewater works will not, if undertaken in accordance with the conditions of approval, adversely affect or threaten public or environmental health; or
  - (b) for any other sufficient reason.
- (2) If an application for a wastewater works approval relates to the connection of a community wastewater management system to SA Water sewerage infrastructure or a significant increase in the amount of wastewater to be discharged from a community wastewater management system to SA Water sewerage infrastructure, the relevant authority must give SA Water a reasonable opportunity to comment on the application and must take into account any comments so made.

## 25—Conditions of approval

- (1) A wastewater works approval is subject to the conditions specified by the relevant authority in the instrument of approval.
- (2) The relevant authority may impose—
  - (a) any 1 or more of the following *prescribed expiable conditions*:
    - (i) a condition that sets out mandatory notification stages during the progress of wastewater works when a person is required to notify the relevant authority in a specified manner and stop the work pending an inspection carried out at the person's expense;
    - (ii) a condition that requires the display of specified notices on the premises on which the wastewater system is located;
    - (iii) a condition that requires a person to monitor the performance of the wastewater system in a specified manner (including by inspections carried out at specified times at the person's expense) and to provide the relevant authority with specified information in a specified manner and at specified times;
    - (iv) a condition that provides that specified material must not, or that only specified material may, be discharged into, or from, the wastewater system;
    - (v) a condition that requires the wastewater system to be operated, maintained or serviced by a person of a specified class;
    - (vi) a condition that requires records of a specified kind to be created, maintained, and provided to the relevant authority; or

- (b) any other conditions including any 1 or more of the following:
- (i) a condition that requires decommissioning of the wastewater system—
    - (A) after a specified trial period; or
    - (B) in specified circumstances; or
    - (C) on written notice to the operator of the system;
  - (ii) a condition that requires a wastewater system to be connected to a community wastewater management system;
  - (iii) a condition that prevents activities that would adversely affect the operation or maintenance of a drain or treatment or disposal system or the reuse of wastewater from the wastewater system;
  - (iv) a condition that requires a wastewater system to have various access points for maintenance or inspection (raised to or terminating at surface level, or as required by the relevant authority);
  - (v) a condition that provides that a wastewater system must not be used unless or until it has been inspected or tested by an independent wastewater engineer and the relevant authority supplied with a certificate given by that expert certifying that the wastewater works have been undertaken in accordance with the approved technical specifications;
  - (vi) a condition that otherwise specifies requirements relating to—
    - (A) the installation of the wastewater system; or
    - (B) the decommissioning of the wastewater system; or
    - (C) the connection of the wastewater system to a community wastewater management system or SA Water sewerage infrastructure or the disconnection of the wastewater system from a community wastewater management system or from SA Water sewerage infrastructure; or
    - (D) the operation, servicing and maintenance of the wastewater system; or
    - (E) the reuse or disposal of wastewater from the wastewater system.
- (3) A condition of approval may—
- (a) provide that a matter or thing is to be determined according to the discretion of the relevant authority or some other specified person or body; and
  - (b) operate by reference to the manuals referred to in a product approval for the wastewater system; and
  - (c) operate by reference to a specified code as in force at a specified time or as in force from time to time.

- (4) If a code is referred to in a condition of approval—
- (a) a copy of the code must be kept available for inspection by members of the public, without charge and during normal office hours, at, if the relevant authority is the Minister, the principal office of the Department and, if the relevant authority is a council, the office of the council; and
  - (b) evidence of the contents of the code may be given in any legal proceedings by production of a document apparently certified by the relevant authority to be a true copy of the code.
- (5) If a condition of approval authorises the reuse or disposal of wastewater from a wastewater system, the authorisation is conditional on any necessary authorisation of the activity being in force under section 127 of the *Natural Resources Management Act 2004*.
- (6) The relevant authority may, on application and payment of the fee fixed by Schedule 1, by written notice to the applicant, vary or revoke a condition of a wastewater works approval.
- (7) The relevant authority may, on its own initiative, by written notice to the operator of a wastewater system to which a wastewater works approval applies, vary or revoke a condition of the approval or impose a further condition, but in that case, the variation, revocation or imposition may not take effect until at least 6 months after the giving of the notice unless—
- (a) the operator consents; or
  - (b) the relevant authority states in the notice that, in its opinion, the variation, revocation or imposition is necessary in order to prevent or mitigate significant harm to public or environmental health or the risk of such harm.

## **26—Expiry of approval**

- (1) A wastewater works approval expires if the works are not commenced, or are commenced but are not substantially completed, within 24 months after the date of the approval.
- (2) A relevant authority may, on application and payment of the fee fixed by Schedule 1, postpone the expiry of a wastewater works approval for a specified period.

## **27—Registers of wastewater works approvals**

- (1) Each relevant authority must keep a register of wastewater works approvals granted by the authority under these regulations.
- (2) The registers to be kept under this regulation must include, in relation to each wastewater works approval, a statement of—
- (a) the date of the approval; and
  - (b) the nature of the wastewater works to which the approval relates; and
  - (c) the location or proposed location of the wastewater system concerned; and
  - (d) the type of wastewater system concerned; and
  - (e) the conditions of approval or a summary of the conditions of approval; and
  - (f) any postponement of the expiry of the approval.



- (3) The registers may be extended to include wastewater works approvals granted under the revoked regulations.
- (4) The registers must—
  - (a) be kept in a manner facilitating retrieval of relevant information for all approvals relating to a particular wastewater system; and
  - (b) be kept up-to-date, including by noting the date of any variation or revocation of conditions of approval or the imposition of further conditions of approval.
- (5) The registers must be kept available for inspection by any person during ordinary office hours at, if the relevant authority is the Minister, the principal office of the Department and, if the relevant authority is a council, the office of the council and the registers or extracts of the registers may be made available to the public by electronic means.
- (6) The registers may include other information considered appropriate by the relevant authority, but that information need not be made available to the public.

## Part 5—Enforcement

### 28—Inspections and testing

- (1) An authorised officer may, in connection with the administration or enforcement of these regulations—
  - (a) enter premises and inspect, examine or test a wastewater system and undertake work or an activity reasonably necessary to facilitate or undertake an inspection, examination or test, or give directions as to an inspection, examination or test; and
  - (b) take samples of a substance or thing for analysis.
- (2) In the exercise of a power under this regulation, an authorised officer may be accompanied by such assistants as may be necessary or desirable in the circumstances.
- (3) A person must not, without reasonable excuse, hinder or obstruct an authorised officer, or a person assisting an authorised officer, in the exercise of a power under this regulation.  
Maximum penalty: \$5 000.
- (4) In this regulation—  
**wastewater system** includes part of a wastewater system.

### 29—Requirement to obtain expert report

- (1) If the Minister or a council suspects on reasonable grounds that a wastewater system is adversely affecting or threatening public or environmental health, the Minister or council may give the operator of the system a written notice requiring the operator to obtain and provide to the Minister or council a written report from an independent wastewater engineer within a specified period addressing specified matters.
- (2) A person must comply with a notice under subregulation (1).  
Maximum penalty: \$5 000.

- (3) If the requirements of a notice under this regulation are not complied with, the Minister or council may obtain the required report (and a person authorised to do so by the Minister or council may enter land at any reasonable time for the purposes of the report) and recover costs and expenses reasonably incurred in doing so from the person who failed to comply with the notice, as a debt.

## Part 6—Miscellaneous

### 30—Reuse of wastewater from SA Water sewerage infrastructure

- (1) A person must not—
- (a) reuse wastewater from SA Water sewerage infrastructure or a treatment plant associated with SA Water sewerage infrastructure; or
  - (b) supply such wastewater for reuse,
- except in accordance with an approval of the Minister.
- Maximum penalty: \$5 000.
- (2) A reference in subregulation (1) to the reuse of wastewater includes a reference to the disposal of the wastewater to land for irrigation.

### 31—False or misleading statements

A person must not make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, under these regulations.

Maximum penalty: \$5 000.

### 32—Access to codes, standards etc

For the purposes of section 109(6)(c) of the Act, copies of codes, standards or other documents must be kept available for inspection at the principal office of the Department.

### 33—Fees

- (1) A relevant authority may refund, reduce or remit payment of a fee payable under these regulations if the relevant authority considers that appropriate in the circumstances.
- (2) A fee payable to a relevant authority may be recovered by the relevant authority by action in a court of competent jurisdiction as a debt due to the relevant authority.

## Schedule 1—Fees

|   |   |          |
|---|---|----------|
| 1 | Application for a product approval  | \$469.00 |
| 2 | Application for a wastewater works approval if the relevant authority is a council— |          |
|   | (a) for the installation or alteration of a temporary on-site wastewater system—    |          |
|   | (i) if the system's capacity does not exceed 10 EP                                  | \$47.00  |

|      |  |   |
|------|--|---|
|      | (ii) if the system's capacity exceeds 10 EP  | \$94.50                                       |
|      |  | plus \$23.20 for each 2 EP in excess of 10 EP |
| (b)  | for the installation or alteration of an on-site wastewater system (other than a temporary on-site wastewater system)—                     |   |
| (i)  | if the system's capacity does not exceed 10 EP   | \$106.00                                      |
| (ii) | if the system's capacity exceeds 10 EP   | \$106.00                                      |
|      |  | plus \$23.20 for each 2 EP in excess of 10 EP |
| (c)  | for the connection of an on-site wastewater system to a community wastewater management system—  |   |
| (i)  | in the case of an existing on-site wastewater system   | \$106.00                                      |
| (ii) | in the case of a new on-site wastewater system—  |   |
|      | • if the system's capacity does not exceed 10 EP   | \$106.00                                      |
|      | • if the system's capacity exceeds 10 EP   | \$106.00                                      |
|      |  | plus \$23.20 for each 2 EP in excess of 10 EP |
| 3    | Application for a wastewater works approval if the relevant authority is the Minister  | \$469.00                                      |
| 4    | Application for variation or revocation of a condition of a wastewater works approval—   |   |
| (a)  | if the relevant authority is a council   | \$106.00                                      |
| (b)  | if the relevant authority is the Minister  | \$469.00                                      |
| 5    | Application for postponement of expiry of a wastewater works approval  | \$106.00                                      |
| 6    | Inspections—   |   |
| (a)  | fee for an inspection in connection with an application or other matter under these regulations if the relevant authority is a council     | \$117.00                                      |
| (b)  | fee for an inspection in connection with an application or other matter under these regulations if the relevant authority is the Minister— |   |
| (i)  | for the first inspection   | nil   |
| (ii) | for each subsequent inspection   | \$185.00                                      |

## Schedule 2—Transitional provisions

### Part 2—Transitional provisions

#### 2—Interpretation

In this Part—

***revoked regulations*** means the *Public and Environmental Health (Waste Control) Regulations 2010*.

### 3—Modification of prescribed code

The *On-site Wastewater Systems Code* referred to in regulation 4(1)(a) of these regulations is modified until the second anniversary of the commencement of that regulation as follows:

(a) delete clause 12.1.3;

(b) delete the following items from clause 12.1.4:

"Copies of certification documentation from an independent product certification agency accredited by JAS/ANZ, confirming certification of the on-site wastewater treatment system to the relevant part of AS/NZS 1546 (or other relevant standards)

A certification evaluation report prepared by the product certification body detailing the testing methods used, inclusion of all data, comparing performance components with test criteria and security arrangements to ensure testing integrity

Documentation that the laboratories used for off-site chemical and bacteriological determinations are National Association of Testing Authorities (NATA) registered to carry out analyses for the parameters specified";

(c) delete clause 12.2.3;

(d) delete the following items from clause 12.2.4:

"Copies of certification documentation from a certification agency accredited by JAS-ANZ or other equivalent organisation(s) as agreed by DHA, confirming certification of the on-site wastewater treatment system to be in compliance with the relevant standard/guideline

A certification evaluation report prepared by the product certification body detailing the testing methods used, inclusion of all data sheets, comparing performance against the test criteria and detailing the security arrangements adopted to ensure testing integrity

Documentation that the laboratories used for off-site chemical and bacteriological determinations are National Association of Testing Authorities (NATA) registered (or equivalent) to carry out analyses for the parameters specified"

### 4—Product approvals

- (1) An approval in force under regulation 10 of the revoked regulations immediately before the commencement of this clause will be taken, on that commencement, to be a product approval under these regulations.
- (2) The product approval under these regulations is subject to the same conditions as the approval under the revoked regulations and will expire 2 years after the commencement of this clause or on the date on which the approval would have expired under the revoked regulations, whichever is the earlier.

## **5—Wastewater works approvals**

- (1) An approval in force under the revoked regulations other than under regulation 10 immediately before the commencement of this clause will be taken, on that commencement, to be a wastewater works approval under these regulations.
- (2) The wastewater works approval under these regulations is subject to the same conditions as the approval under the revoked regulations and will expire in accordance with these regulations.

## **6—Notices under regulation 24 of revoked regulations**

- (1) A notice issued by a council and in force under regulation 24 of the revoked regulations immediately before the commencement of this clause will be taken, on that commencement, to be a notice issued by the council under regulation 9 of these regulations.
- (2) The notice under these regulations is subject to the same conditions as the notice under the revoked regulations.

## Legislative history

### Notes

- Please note—References in the legislation to other legislation or instruments or to titles of bodies or offices are not automatically updated as part of the program for the revision and publication of legislation and therefore may be obsolete.
- Earlier versions of these regulations (historical versions) are listed at the end of the legislative history.
- For further information relating to the Act and subordinate legislation made under the Act see the Index of South Australian Statutes or [www.legislation.sa.gov.au](http://www.legislation.sa.gov.au).

### Legislation revoked by principal regulations

The *South Australian Public Health (Wastewater) Regulations 2013* revoked the following:

*Public and Environmental Health (Waste Control) Regulations 2010*

### Principal regulations and variations

New entries appear in bold.

| Year        | No         | Reference                             | Commencement         |
|-------------|------------|---------------------------------------|----------------------|
| 2013        | 163        | <i>Gazette 14.6.2013 p2588</i>        | 16.6.2013: r 2       |
| 2013        | 149        | <i>Gazette 6.6.2013 p2411</i>         | 1.7.2013: r 2        |
| 2014        | 95         | <i>Gazette 19.6.2014 p2545</i>        | 1.7.2014: r 2        |
| 2015        | 110        | <i>Gazette 18.6.2015 p2682</i>        | 1.7.2015: r 2        |
| 2015        | 175        | <i>Gazette 25.6.2015 p3083</i>        | 25.6.2015: r 2       |
| 2016        | 110        | <i>Gazette 23.6.2016 p2293</i>        | 1.7.2016: r 2        |
| <b>2017</b> | <b>103</b> | <b><i>Gazette 22.6.2017 p2262</i></b> | <b>1.7.2017: r 2</b> |

### Provisions varied

New entries appear in bold.

Entries that relate to provisions that have been deleted appear in italics.

| Provision                              | How varied   | Commencement    |
|--|--|-----------------|
| Pt 1                                   |  |                 |
| r 2                                    | <i>omitted under Legislation Revision and Publication Act 2002</i> | <i>1.7.2013</i> |
| r 3                                    |  |                 |
| r 3(1)                                 |  |                 |
| community wastewater management system | substituted by 175/2015 r 4  | 25.6.2015       |
| Sch 1                                  |  |                 |
|  | substituted by 149/2013 r 4  | 1.7.2013        |
|  | substituted by 95/2014 r 4   | 1.7.2014        |
|  | substituted by 110/2015 r 4  | 1.7.2015        |

|             |  |                 |
|-------------|--|-----------------|
|             | substituted by 110/2016 r 4  | 1.7.2016        |
|             | <b>substituted by 103/2017 r 4</b>                                     | <b>1.7.2017</b> |
| Sch 2       |  |                 |
| <i>Pt 1</i> | <i>omitted under Legislation Revision and<br/>Publication Act 2002</i> | 1.7.2013        |

## Historical versions

1.7.2013  
1.7.2014  
25.6.2015 (electronic only)  
1.7.2015  
1.7.2016