



# Plumbing Newsflash

## Changes to legislation affecting greywater use

### Purpose

To communicate changes to the greywater provisions in the *Plumbing and Drainage Act 2002* (PDA) which commenced on 10 August 2006.

### Background

In March 2006, the PDA was amended to permit the use of greywater in sewered areas via a diversion or treatment system with subsurface irrigation, or via manual bucketing. Under this framework, councils had the right to opt out of accepting greywater system applications in all or parts of their area.

Since the legislation was introduced, there has been minimal up take of greywater use in sewered areas. Barriers to a greater uptake of greywater use include the significant cost to homeowners for the installation of subsurface greywater systems and many councils opting out of accepting greywater applications.

In response to the worsening drought and community requests for easier access to greywater use, changes to the plumbing legislation have been made.

The amendments to the PDA which commenced on 10 August 2006 now permit the diversion of bath, basin, laundry or shower greywater to lawns and gardens by subsurface or surface irrigation via:

- Manual bucketing; or
- Connecting a flexible hose to a washing machine outlet; or
- Seeking council approval for the installation of greywater diversion devices and treatment plants by licensed plumbers.

The amendments also mean councils can no longer opt out of accepting greywater applications and must assess and decide greywater applications for compliance with the PDA.

### Legislation

Attached is a table which highlights the specific changes to the PDA regarding greywater use. For the actual legislative changes refer to [www.legislation.qld.gov.au](http://www.legislation.qld.gov.au)

### Contact Officer

For further information in relation to this Newsflash, please contact Bill Gowland on (07) 3404 3196 or email [buildingcodes@dlgpsr.qld.gov.au](mailto:buildingcodes@dlgpsr.qld.gov.au)

Current legislation	Amended legislation	Comment
<p><b>85A</b> Local government's power to stop further greywater use facility requests for premises in a sewerage area</p>	<p><b>85A</b> – removed</p>	<p>This omission will require local governments to assess applications for greywater use facilities for premises in a sewerage area.</p>
<p><b>85B</b> Restrictions on giving compliance permit for greywater use facility in a sewerage area</p>	<p><b>85B(2)(a)(iii)(B)</b> - removed</p>	<p>This amendment omits the provision that had previously prohibited a council from approving a greywater use facility if the local government had, by resolution or in a planning instrument, declared the relevant area to be unsuitable for greywater use.</p>
<p><b>128M</b> Offences about discharging greywater other than kitchen greywater from premises</p>	<p><b>128M</b> – changed as follows:-</p> <p>(2) If the premises is in a sewerage area <b>and the premises is not a single detached dwelling</b>, the owner must ensure the greywater is –</p> <p>(a) discharged into –</p> <p>(i) the infrastructure of the sewerage service provider for the area's sewerage service; or</p> <p>(ii) a greywater use facility; or</p> <p>(b) carried by bucket to a garden or lawn <b>on the premises</b>.</p> <p>(3) If the premises is not in a sewerage area <b>and the premises is not a single detached dwelling</b>, the owner must ensure the greywater is –</p> <p>(a) discharged into –</p> <p>(i) an on-site sewerage facility; or</p> <p>(ii) an environmentally relevant on-site sewerage facility; or</p> <p>(iii) a greywater use facility; or</p> <p>(b) carried by bucket to a garden or lawn <b>on the premises</b>.</p> <p><b>(6) single detached dwelling</b> means a class 1a building under the Building Code of Australia.</p>	<p>The discharge of greywater (other than kitchen greywater) from a single detached dwelling is excluded from the offence provisions of this section.</p> <p>Greywater (other than kitchen greywater) can be discharged above ground for the irrigation of gardens and lawns, only on premises from which the greywater was generated, and may not cause an odour, danger or health risk to anyone.</p>
	<p>New section - <b>173</b> Provision about offences under s 128M</p> <p>(1) A proceeding can not be started for an offence under pre-amended section 128M if the circumstances giving rise to the commission of the offence would not, if the circumstances happened after the commencement of this section, give rise to the commission of an offence under post-amended section 128M.</p> <p>(2) In this section –</p> <p><b>post-amended section 128M</b> means section 128M as amended under the <i>Building and Other Legislation Amendment Act 2006</i>, section 99A.</p> <p><b>pre-amended section 128M</b> means section 128M as in force immediately before the <i>Building and Other Legislation Amendment Act 2006</i>, section 99A commences.</p>	<p>The new section provides that a proceeding can not be started for an offence under the pre-amended section 128M, if the circumstances do not constitute an offence after the commencement of this section. The amendment also clarifies the meaning of “post-amended section 128M” and “pre-amended section 128M”.</p>

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